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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 63.

1928.

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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO

PART 63

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Further Correspondence respecting Morocco.

PART 63.

CHAPTER I.—THE FRENCH ZONE.

[W 916/916/28] No. 1.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(Received February 2.)

(No. 15.)

Sir, *Rabat, January 26, 1928.*

I HAVE the honour to state that M. Théodore Steeg, the French Resident-General here, left Rabat for Paris on the 25th January. The ostensible object of this journey is, I understand, to settle with the French Government questions relative to the 1928 budget of the French zone (see Mr. Rapp's despatch No. 195 of the 16th December, 1927) and the projected loan (see correspondence ending with my despatch No. 146 of the 1st August). M. Steeg's departure takes place, however, in circumstances of such interest that I think it worth attempting to summarise them.

2. When M. Steeg assumed the office of Resident-General towards the end of 1925, it was widely thought that his tenure of it would merely be an interlude in his French political career. He was believed to aspire eventually to the highest office in in France, the Premiership or the Presidency of the Republic, and he was not expected to remain here more than a couple of years. It was also thought by some that the French Government, in choosing him to be the first civilian Resident-General, wished to entrust the inauguration of a new régime to a man of the highest standing, while intending later to be satisfied with some less considerable personage.

3. M. Steeg is both able and industrious, and though a politician to the finger-tips, he has, I believe, devoted himself whole-heartedly to the interests of Morocco. He, has never, however, established a hold on the affections of his compatriots in this country, lacking, as he does, the personal magnetism of Marshal Lyautey; and he has in a sense been dogged by misfortune. His peace policy when he first took office and while the Riff War was still unfinished was far from popular. By perseverance and with the aid of circumstance he brought it to a successful issue, and in the second half of 1926 he was able to turn his attention to more purely administrative problems. There ensued a year which he described in the hearing of Mr. Rapp, at his reception at the beginning of this month, as the most disagreeable in his life. He strengthened his position, indeed, by securing his re-election to the Senate; but his health was shaken, that of his wife is never good, and the serious illness of another member of his family added to his personal worries. The climax in this direction was reached when his nephew and others were captured by tribesmen in the Deroua Forest near Beni Mellal on the 20th October last and had to be somewhat ingloriously ransomed, an incident which, apart from anything else, involved him and his administration in ridicule.

4. Towards the end of 1926, M. Steeg had decided to introduce into the French section of the advisory *Conseil du Gouvernement* an element representative of the general

French community, as distinct from those elements already represented by officers of the Chambers of Commerce and Agriculture. This step, whether politic or not, brought into existence a body of active and not very responsible critics of the administration at a time when every sort of new project and administrative reform was being canvassed. New projects meant new taxation, and new taxation meant further criticism. To crown all, two serious factors entered into the situation at the end of 1927. Rains of unusual intensity did extensive damage, notably in the rich region between Kenitra and the Spanish zone. An invasion of locusts menaced the south of Morocco. These events necessitated a revision of the budget and at least one augmentation of an existing tax, the consumption duty on sugar.

5. In yet a third direction M. Steeg has been unlucky. Marshal Lyautey had been reproached with having too personal an entourage. That of his successor was less showy but no less personal. He brought to the Secrétariat général a former Algerian official, M. Duvernoy, a man of capacity but too Parisian for what he himself describes as the life of a "forçat" in remote Rabat. He put at the head of his Cabinet militaire General Mougin of Angora fame, and this active and politically-minded officer had a finger in every pie. He put at the head of a new Directorate-General of Native Affairs one Major Duclos, whom he had discovered and elevated during his governorship of Algeria. Of these three, General Mougin left Rabat a short time ago for reasons as to which I am not clear; M. Duvernoy went on leave recently and is not expected to resume his post; M. Duclos was killed by a motor-car a few days ago and his death, universally regretted, has been a severe personal blow to the Resident-General.

6. All these circumstances have combined to strengthen the rumour current for some time past that M. Steeg is coming to the end of his connexion with Morocco. It is, perhaps, most readily believed by those with whom the wish is father to the thought. I cannot judge of its probable truth, for one of M. Steeg's qualities is ability to keep his own counsel, but I think it quite probable that he will not return or return only to pack up. Speculation is already rife as to his successor. The gossips spread about such various names as those of General Sarrail, General Weygand, M. Pietri, a Corsican Deputy who was formerly Director-General of Finance here, M. Lucien Saint, the Resident-General in Tunis, and others of whom I know little or nothing. The diversity of conjecture shows that no one has much ground on which to base it.

7. The fact that I have written this despatch, almost unconsciously, without a single reference to the Moors shows of what small account the opinion of the Moorish population as a whole is in this country at present. A Sultan may die. A boy of uncertain future possibilities may ascend the throne amid general indifference. Great men like the Glawi and lesser notables in their degree may sit their fences warily. Older Moors may bear uneasily the yoke of a civilised Power, disliking regular taxation and the transfer of land to European settlers, half regretting a looser pre-Protectorate system, the evils of which they have forgotten. Younger ones in Fez and Rabat may toy with modern notions of self-determination and the rest. But, for the time being, it is not these things that determine the course of French policy in Morocco.

8. I am sending a copy of this despatch to His Majesty's consul-general in Tangier.

I have, &c.
ANDREW RYAN.

[W 3228/3228/28] No. 2.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(Received April 2.)

(No. 54. Confidential.)

Sir, *Rabat, March 23, 1928.*

IN my despatch No. 115 of the 16th June, 1927, I had the honour to forward a report from His Majesty's vice-consul at Fez on the alleged existence of an incipient Wahabite movement at that place. Colonel Mackereth's enquiries at that time showed that there was little ground for believing in a Wahabite movement as such, but his despatch threw, as I said when forwarding it, "an interesting light on the vague stirring of mixed national and religious feeling among the younger generation of Fez Moors."

2. I now enclose copies of three despatches from Colonel Mackereth, Nos. 32, 38* and 40* of the 13th, 16th and 20th March, which bear on a different but related subject, that of Communist efforts to work on the Moors with a view to co-ordinate such discontent as exists or can be fostered in Algeria, Tunisia and Morocco. So far as Morocco is concerned these activities would appear to have one pivot in Casablanca, another at the headquarters in Paris of an organisation calling itself the "Étoile nord-africaine" and a third in the "League against Oppression in the Colonies," working from Berlin.

3. There have been previous evidences of a certain amount of Communist or quasi-Communist activity at Casablanca. In the spring of 1926 the Protectorate authorities took action against a M. Carette Bouvet, the editor of an extremist paper called the "Cri du Maroc," and certain persons more or less associated with him. That action was taken on rather dubious grounds and it was bungled. It nevertheless showed that the authorities saw reasons for alarm. Again in August last, there was a reflex in Casablanca of the agitation over the Sacco-Venzetti affair. I should be sorry to say what the activities of extremists there amount to or what is their precise complexion. There does exist, however, a certain movement, the organisers of which derive their inspiration directly or indirectly from Moscow, and which, while appealing more immediately to European workers, must necessarily preoccupy the authorities because of its possible repercussion on natives.

4. Colonel Mackereth states that the "Étoile nord-africaine," one of whose watchwords is "Vive l'union des musulmans!" is affiliated to the "International Committee for the Liberation of Natives in Colonies," which in its turn depends upon the Komintern. As for the Berlin "League against Oppression in the Colonies," its nature is sufficiently indicated by the letter enclosed in Colonel Mackereth's despatch No. 32 and the presence of Mr. Saklatvala's name in the list of signatories. I am too ill-informed regarding the present mechanism of organisations having for their object to exploit Islam and the grievances of "oppressed nations" in the interests of communism to attempt to fit the facts here into that jigsaw, but you will doubtless be able to do so.

5. His Majesty's vice-consul at Fez discusses in paragraph 6 of his despatch No. 32 the possible effects of this kind of propaganda on the native civilian population and native troops respectively. He goes on to deal with two minor matters, namely, the alleged connexion of a Tangier British subject with the "League against Oppression in the Colonies" and the supposed use of British post offices for the distribution of subversive propaganda. Like Colonel Mackereth, I know Mr. Watkins personally, and I should be very slow to believe in the suggestion regarding him. His business takes him all over Morocco, but he is a man well past middle age and presents all the appearance of being merely what he purports to be—an active and hard-headed vendor of sewing-machines. The allegations regarding the British Post Office are only too familiar in other connexions. They are the easy refuge of subordinate authorities, who, if they were true, should be able to trace the recipients of propaganda and state a case, who know the reputation of the British Postal Service for security, and who are only too ready to believe that it must be abused. Colonel Mackereth gives his estimate of these allegations as regards Fez. His Majesty's consul-general at Tangier, to whom I am sending copies of this despatch and enclosures, may have something to say as regards Tangier.

6. To return for a moment to the larger question, I see nothing in the present situation in French Morocco to modify my previous opinion that movements such as have played so great a part in the recent history of Moslem countries within reach of the Mediterranean exist here only in the germ and in an unfavourable soil. I have no doubt that there will be a slow growth, but I believe that, if the French have trouble in the future, they will owe it less to any spontaneous development of national and religious feelings, or even the stimulation of those feelings from abroad, than to the recoil of intelligible, but somewhat dangerous, policies of their own, like their reliance on the Grand Kaids in the south of Morocco and the dispossession of native proprietors in the north to provide land for European settlers.

I have, &c.
ANDREW RYAN.

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* Not printed.

Enclosure 1 in No. 2.

Vice-Consul Mackereth to Consul-General Sir A. Ryan.

(No. 32. Confidential.)

Sir, *Fez, March* 13, 1928.

NEWSPAPERS at home, in France and in Morocco have published accounts, mostly fantastic, of Communist activities in this country. Some accounts have even confused the subversive propaganda of communism with what is known as Wahabism. I dealt with Wahabism in Fez in my despatch No. 73 of the 11th June, 1927, and I have now the honour to supply you with some information concerning the Communist movement. It is not greatly in evidence in Fez itself, but the fact that careful investigation, consequent upon the examination of a Frenchman named Valentin by the military authorities, is being carried out here, enables me to obtain general authoritative information which may be of interest.

2. Following upon the discovery of Communist tracts, which had been distributed among the soldiers and in native schools, an enquiry was opened, and it led finally to the arrest of a M. Valentin, who claimed to belong to a French Socialist party. He is well known in Casablanca, where he is a member of the Municipal Council in that town. A raid was made at his house, where documents were found proving that he was in close communication with Moscow; also a nominal list of forty-seven believers in the Communist doctrine living in Casablanca and thirty in Rabat was brought to light. It was discovered, too, that on the nomination of the French Communist M. Cordier, Valentin had been designated to represent the Casablanca "cell" at the next Communist conference at Moscow.

3. Valentin and his followers work in conjunction with a society called the "Étoile nord-africaine." The object of this organisation is to bring about the independence of the Moslem countries in North Africa and to help them in their struggle against their European "oppressors." Its propaganda is now chiefly confined to Algeria and Tunis, but it spreads, certainly, as far as Fez. The society is mainly composed of a considerable number of Algerians and Tunisians living in Paris, and has openly established branches in Algeria and Tunis, where it claims a membership of over 3,000. It publishes in Paris a monthly paper printed in French and Arabic, and called the "Ikdam de Paris," the circulation of which is prohibited in Morocco, but which nevertheless is quite widely distributed here. The committee of the society has its rooms in Paris (33, rue Galande 5e) and its president is a certain Mahomet-el-Fassi. The editor of the "Ikdam de Paris" is a M. N. Desprès. The "Étoile nord-africaine" is affiliated to the "International Committee for the Liberation of Natives in Colonies," and which, in turn, is subventioned by the oriental section of the Komintern, one of whose objects is, I understand, to support pan-Islamic movements. The "Étoile" is now making a serious effort to centralise the control of the various Nationalist movements in North Africa. It hopes eventually to supplant the Tunisian Nationalist society, the "Dastûr."

4. The manifesto of the "Étoile nord-africaine," which has been circulated in Morocco in French and Arabic, reads as follows:—

> "Jetons un coup d'œil sur les mouvements d'émancipation qui s'accomplissent chez les peuples opprimés en Turquie, en Afghanistan, en Perse, en Égypte, &c. Partout, nos frères se lèvent pour secouer le joug de leurs oppresseurs. Le mouvement national s'amplifie et réveille tout l'Orient. Nous avons perdu nos terres, notre pays et nous perdons tous les jours notre bravoure et nos sentiments islamiques. Alors, frères musulmans, si réellement vous êtes dignes de vos ancêtres, comment n'êtes-vous pas révoltés ou indignés de vous voir réduits à l'esclavage par une poignée d'hommes? Vive l'' Étoile nord-africaine '! Vive l'union des musulmans!"

I send you also a translation of a letter sent by the secretary of this society to a well-known Moor of Fez. It shows clearly the immediate aims of the "Etoile nord-africaine."

5. "The League against Oppression in the Colonies," with its headquarters in Berlin, is also disseminating its own propaganda, but as it is in English or German it is quite without effect in Morocco. I am able to supply you with a copy of a letter on which figures in large print, the name of Mr. Saklatvala, M.P., as a sponsor. I have not been able to obtain a copy of the Berlin illustrated labour paper that was presumably sent with the letter.

6. The circulation amongst the civilian population of propaganda of the kind of which I have given examples is not in itself, I consider, of real danger. The opinions and exhortations contained in them are those that are already quite commonly expressed by the Moors that are able to read the pamphlets and circulars. For those who cannot read them, probably 95 per cent. of the population, they mean nothing. Yet there is another element in the Communist activity that may be, as I see it, of greater significance. It is the insidious circulation among the native troops of subversive counsels; this takes the form of distributed tracts showing how "Brahim" (this is the Arabic equivalent of "Tommy") suffers at the hands of his French masters. At present it is generally believed that the native troops are loyal in thought as well as deed to their French officers. There is, however, in military circles a division of opinion respecting the eventual effect on the troops of the increasing numbers of native officers that are being sent to native regiments from the native officers' school at Meknès. The problem is similar, though on a much smaller scale, to our own in connexion with native Indian officers, but there are two essential differences. The first is that there are few, if any, families in Morocco that are recognised by the population in general as ruling families, as are, I believe, the exalted families in India. The second is that the racial and religious rivalries of India are not evident in this country. It once was a dream of Marshal Lyautey that the Berber race might be won over to France and so serve to hold the notoriously perfidious Arabs in check. For my part, and I am at one with the majority of those members of the French Intelligence Service that I have met, I think it is idle to hope for this, for the reason that in all essential points the Berbers have become Islamised even when Arab influence is not paramount. On the other hand, it is not impossible that the mutual contempt of Algerians and Moors for each other may provide a means of keeping the various Moslem units in a state of obedience, at least for some time to come. The danger of eventual revolt is certainly there, and it may be that the Communist activities are providing the flux that may in due time make the separate entities of Algeria, Morocco and Tunis run into an alloy that will actively resist French influence. In this they are surely assisted by the growing ease of inter-communication.

7. Arising out of the discovery of the various communistic activities, I find there is a suspicion in some French official quarters that the British Postal Service is largely utilised for the distribution of tracts. A similar conjecture was made to me, unofficially, during the disturbances known as the "Guerre du Rif" in 1925 and 1926. I then kept a very careful check on the correspondence coming through the British Postal Agency at Fez, and became convinced at that time that there was certainly no important, if any at all, use being made of the British Postal Service for the benefit of persons or organisations hostile to the French. I have on several occasions pressed for a specific instance of such misuse of the British Postal Service, but none has been brought to my notice. I have also been told, confidentially, that Mr. Oliver Watkins, chief manager of the Singer Sewing Machine Company in Morocco, who is a British subject living in Tangier, is thought to be a member of the "League against Oppression in the Colonies" and responsible for some anti-French propaganda.

I have, &c.

GILBERT MACKERETH.

Enclosure 2 in No. 2.

Letter sent to a well-known Moor of Fez.

(Traduction.)

Illustre Compatriote,

DIEU nous a favorisés en nous permettant d'obtenir votre adresse, qui nous a été communiquée par un honorable Marocain, lequel nous a fait part de vos sentiments pour votre pays opprimé et de votre amour inaltérable pour votre patrie spoliée. Nous vous avons écrit dans le but de nouer des relations avec vous, et à cet effet nous vous avons envoyé le journal "El Ikdam," que publie l'Association l'Etoile nord-africaine de Paris, dans un but de divulgation, ou plutôt pour que vous puissiez vous rendre compte des buts politiques poursuivis par cette association. Cette société a été créée, il y a environ un an, grâce à l'activité de l'élite des indigènes marocains, algériens et tunisiens. En peu de temps elle a accompli une œuvre remarquable que l'histoire enregistrera. Elle a réussi à grouper déjà 3,500 adeptes parmi les musulmans de l'Afrique du Nord, et elle organise des réunions publiques où elle montre à l'opinion mondiale les différentes

formes d'oppression et d'avilissement avec lesquelles nous sommes traités dans nos pays. Elle a donné le jour au journal "El Ikdam" et a participé au congrès des peuples opprimés qui s'est tenu à Bruxelles au mois de février dernier, et qui groupait des représentants de l'Égypte, Syrie, Indo-Chine, Soudan, Antilles, Afrique du Nord et du Sud, &c. Elle profite de toutes les occasions pour manifester son activité et elle fait tous les plus grands efforts pour organiser nos compatriotes et les imprégner du sentiment du devoir envers la nation et la patrie. Certes, les raisons qui ont motivé la fondation du groupement de l'Étoile nord-africaine n'échappent pas aux yeux clairvoyants, car, qui d'entre nous ignore l'état pitoyable dans lequel se débat l'indigène dans son pays?

Le colonialisme français ne s'est pas contenté seulement de ravir la liberté des Nord-Africains et de les dépouiller de leurs biens et de leurs terres, il les a asservis tels des esclaves et les a fait tuer par dizaines de mille dans les guerres coloniales. Il les envoie combattre contre leurs frères en religion, en humanité, en malheur et en souffrance. Devant cette situation, l'attitude des Nord-Africains est bien nette: ou ils doivent se soumettre et laisser agir à sa guise le colonialisme, ce qui assurera la perte certaine de leur race, ou alors ils doivent se réveiller de leur torpeur et se préparer à reprendre la totalité de leurs droits et leurs libertés ravis. Mais ce résultat ne sera pas atteint par une politique de collaboration, car dans ce cas l'échec est certain—quel profit la brebis retire de son association avec le chacal?—mais par une politique exclusivement nationaliste basée sur la resistance au colonialisme. Cette politique ne peut, toutefois, triompher que par l'union des Marocains, des Algériens et des Tunisiens, dont la cause est une contre leur ennemi commun responsable de tous leurs maux et malheurs: le colonialisme français. L'heure est arrivée où nous devons mettre un terme au travail entrepris contre notre intérêt commun et contre notre belle religion. C'est ce qu'a compris notre association, qui emploiera tout ce qui sera en son pouvoir pour mener à bien la tâche qu'elle a assumée en vue de l'union indissoluble des Nord-Africains, afin que ne se représente pas devant nos yeux "le crime du Rif" où nous avons vu les musulmans du Maroc, de l'Algérie et de la Tunisie combattre leurs frères rifains, dont le seul tort avait été de défendre leur liberté menacée et leurs terres contre les appétits des colonialistes.

En terminant, nous vous demanderons, illustre compatriote, de nous donner votre sentiment sur l'œuvre que nous avons entreprise, et vous prions d'agréer, &c.

Le Secrétaire général de l'Association
l'Étoile nord-africaine,
JILALI GHABILA.

Enclosure 3 in No. 2.

Copy of Letter from the League against Oppression in the Colonies, Berlin.

Berlin, N.W. 7, Schadow Str. I.B.

Dear Sir,

ENCLOSED please find several copies of a Berlin illustrated labour paper, which, in consequence of speciai arrangements with our execut.ve, is prepared to give all its publicity to pictures showing the cruelties of the military rule of great Powers in Colonies and in other subdued countries. It will also communicate all documents concerning imperialist policy and its effects, as well as about inhuman acts of jingoism (negro lynching in America, &c.). We are kindly asking you to send all material on the above subjects to the address of our league. We will provide for the largest possible publicity in order to make known the facts to broad masses of Europe, and to stimulate them by the growing protestation of the public.

Yours very truly,

LEAGUE AGAINST OPPRESSION IN THE COLONIES
BERLIN.

Board of International Chairmen:
Henri Banbusen (Paris).
S. Saklatvala, M.P. (London).
Bishop William Montgomery Brown (Gallien Chie [*sic*], U.S.A.).
Kou Meng You (Canton National University).
Fritz Danziger (Berlin).
L. Gilberti, *Secretary*.

[W 3368/3368/28]

No. 3.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(Received April 4.)

(No. 57.)

Sir,

Rabat, March 27, 1928.

I HAVE the honour to forward herewith a copy of a despatch from His Majesty's vice-consul at Fez relative to the visit to that place on the 17th March and following days of the Marqués del Rif, better known as General Sanjurjo, and the French Ambassador in Madrid, accompanied by his wife and daughter. The visit to Fez was the first stage in a tour, in the course of which the same high personages have been to Rabat, Marrakesh and Casablanca. They have everywhere been received with more than usually striking marks of attention.

2. The Spanish High Commissioner's stay in Rabat from the 21st March to the 24th March was invested with all the pomp and ceremony of a State visit, the *éclat* of which was enhanced by the presence of M. Peretti della Rocca. They were the personal guests of M. Steeg at the Residency, and their visit was rendered still more spectacular by the fact that it had been timed to coincide with the Moslem festival of the Aid-el-Saghir.

3. On the 22nd March the Resident-General gave an official luncheon, at which sixty persons were present. My foreign colleagues and myself were among the guests, a fact which I record, as it is the first time that we have been bidden to a function of this particular kind. The illness of Mme. Steeg enabled the Resident-General and the High Commissioner to sit opposite to each other. They exchanged formal speeches, acclaiming the close and cordial relations between the two protecting Powers in Morocco. General Sanjurjo, speaking in Spanish, emphasised the fact that, if collaboration had been necessary in the late war, it was still more necessary after its triumphant conclusion. A great reception was held at the Residency the same afternoon.

4. The following day was the first of the Moslem festival. It is customary for the Resident-General to present his respects to the Sultan on this occasion, more usually on the second day, and then to assist at the rendering of homage and offering of gifts by the representatives of the tribes. This custom made it possible for M. Steeg to present his guests to the Sovereign in circumstances which combined every element of splendour and picturesqueness, from the chest of M. Peretti—a solid mass of decorations—to the wild rushes of the tribesmen in the powder play which follows the homage.

5. The Aid derived an added interest from the fact that it was the young Sultan's first appearance on an occasion of the kind. There was no departure from precedent. His Majesty, whom I saw for the first time since his succession, bore himself with composure and unaffected dignity. His appearance of extreme youth is yielding to the growth of a promising beard.

6. I have been particularly struck by the evident cordiality displayed by both French and Spaniards on this occasion. So far as Morocco is concerned, the visit can hardly fail to help towards the consolidation of their good relations. General Sanjurjo, though not distinguished in appearance or manner, and though completely ignorant of French, makes an agreeable impression of soldierly sincerity. His passion for dancing, although it excites smiles and seems to have led him into one extravagance in Fez, endears him to the ladies, few of whom in a place like this are so *blasées* as not to enjoy the notice of so highly placed a member of the other sex.

7. I may mention that a chance allusion to Tangier in the course of a short conversation which I had with M. Peretti after luncheon on the 22nd March elicited from the Ambassador an emphatic disclaimer of interest. He had nothing to do with that question, he said, and was very thankful not to be concerned in it. He spoke with great regard of Sir Horace Rumbold, and expressed the hope that the latter would visit the French zone before leaving Madrid for Berlin.

I have, &c.
ANDREW RYAN.

P.S.—General Sanjurjo and M. Peretti passed through Rabat on their return journey on the 27th March, as I was drafting this despatch. A military display and march past took place in their honour. It was attended by the Resident-General, and in the course of the proceedings General Vidalon invested General Sanjurjo with the Croix de Guerre des T.O.E. (Théâtre des Opérations extérieures). The visitors left in the afternoon for the Spanish zone.

A. R.

Enclosure in No. 3.

Vice-Consul Mackereth to Consul-General Sir A. Ryan.

(No. 39.)

Sir, *Fez, March* 19, 1928.

I HAVE the honour to report that the Marqués del Rif, the High Commissioner of the Spanish zone of Morocco, and the Count Peretti della Rocca, the French Ambassador in Madrid, arrived in Fez on Saturday, the 17th March, 1928, in the course of a visit to the French zone. The Comtesse Peretti della Rocca, Commandant Brauer, French military attaché in Madrid, and Commandant Vignole accompanied them.

2. The local authorities made considerable efforts to entertain handsomely their guests, who are lodged in the Residency. A banquet was given in their honour on Sunday evening, to which my wife and I were invited. The Spanish High Commissioner distinguished himself by arriving an hour late for dinner, and created a sensation by proceeding, after having visited a ball given by the city of Fez for his special benefit, to a low dancing hall in the Mellah.

3. To-day the Spanish High Commissioner reviewed the troops of the Fez garrison in the morning; in the afternoon he was taken to Taounat, where the French system of outposts was explained to him. He later held a reception to French and other foreign officials in the Spanish consulate.

4. The French Ambassador seems to have found his travelling companion rather tiresome. But he was very much impressed and gratified by the reception that he received in the Spanish zone as Sanjurjo's guest. It appears that no stone was left unturned to impress him and do honour to the country he represented. It is wonderful how Franco-Spanish relations in Morocco have improved since the dark days of 1925.

5. The return of Count Peretti della Rocca to Morocco, after an absence of thirteen years (he was last in this country on an official mission in 1915), is of some interest, for the reason that his name has sometimes been suggested as a successor to M. Steeg; the Marqués de Estella is credited with having supported this idea with M. Briand.

I have, &c.
GILBERT MACKERETH.

[W 4091/37/28] No. 4.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(Received April 30.)

(No. 77.)

Sir, *Rabat, April* 20, 1928.

I HAVE the honour to forward herewith a copy of a despatch from His Majesty's vice-consul at Fez relative to recent incidents indicative of a certain lack of security in the interior of this zone. I agree with Colonel Mackereth in thinking that no undue importance should be attached to these incidents, but it is a little disquieting that one of them should have been a raid on Azrou, which place and its immediate neighbourhood were formally declared to be a "zone of security" last year (see my despatch No. 47 of the 8th March, 1927).

2. The murders referred to in the third paragraph of the enclosed despatch have been ordinary crimes, but they are such as to influence the imagination of Europeans living amid a native population. In one case, the memory of which has just been revived by the trial and condemnation to death of the guilty parties, a French business man was murdered last year in his villa at Oued Zem, a place to which the phosphate industry has drawn a large number of French people. An enormous sensation was created a few weeks ago by another case, when a native servant from the south of Morocco in a villa at Casablanca itself murdered, with horrible brutality, his employer, his employer's wife and their young nephew.

3. Incidents of both kinds cause all the more perturbation for the very reason that security in the principal towns and a great part of the countryside is so general. Europeans are used to it and forget how primitive is the *milieu* in which they live and of how recent growth is the superimposed civilisation which encourages them to range outside the limits of real security.

4. The reflection with which Colonel Mackereth concludes his despatch is interesting. It is a common superstition, bred partly of superficial observation and partly of propaganda, that the French have a better way to the hearts of natives than, for instance, the British; that they know how to fraternise where we know only how to rule. The truth, in my opinion, is that the middle-class and nondescript French who abound in this country are incapable of striking a balance. They admit a familiarity which destroys respect, but they manifest only too readily and too openly the intense disdain which they really feel towards Moors. The supposed fraternisation has no basis in mutual regard, and it is unlikely to stand the strain of conditions in which the Frenchman is on the make and the Moor increasingly feels that he is put upon.

5. I am sending copies of this despatch and enclosure to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN.

Enclosure in No. 4.

Vice-Consul Mackereth to Consul-General Sir A. Ryan.

(No. 46.)

Sir, *Fez, April* 18, 1928.

I HAVE the honour to report two raids by armed bands of hostile tribesmen into pacified territory. The first occurred on the night of the 6th April, when a party of Middle Atlas tribesmen descended upon Azrou and carried off successfully some thirty head of sheep; there were, happily, no casualties. I visited Azrou on the 8th April and found the population still very nervous. On the roads leading out of the town barricades, which were closed at sunset, had been erected. I have seen no mention of this raid in the newspapers.

2. The "Écho du Maroc" of the 13th April, 1928, published an account of a raid near Bou Denib, when a motor lorry was attacked and the two chauffeurs and three passengers were killed. It is presumed that the tribesmen responsible for this attack are the same that murdered three Post Office employees about two months ago in the same district.

3. Local French opinion appears to be inclined to see in these raids, coupled to the recent murders of Frenchmen by their Moorish servants, a sign of a coming revolt against the French occupation. It is a mistake, I think, to look upon these isolated murders as having any aspect directly political. They arise, as I see it, from a growing and noticeable change in attitude of a certain class of French immigrant towards the indigenous population. Perhaps it is that the fears of a native rising have grown less since the war of 1925 and '26, but, whatever may be the subconscious cause, there is no doubt that the natives are to-day treated by the French with less respect than they were four years ago. This is a danger, for the Moor is ill-fitted by a proud and independent spirit to tolerate easily the position of a subject race. Their feeling of vengeance for a wrong, supposed or real, is frequently more dominating than the fear of the consequences of the act of revenge.

I have, &c.
GILBERT MACKERETH.

[W 5644/3229/28] No. 5.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(Received June 13.)

(No. 112.)

Sir, *Rabat, June* 6, 1928.

IN my despatch No. 55 of the 24th March I had the honour to review, in the light of enclosed despatches from His Majesty's consular officers at Casablanca and Marrakesh, the efforts of the French authorities to extend their authority in the country south and south-east of Agadir.

2. I now enclose a copy of an interesting despatch from His Majesty's consul at Casablanca, No. 151 of the 11th May, in which Mr. Selous deals more generally with French penetration in the country beyond the Atlas, with special reference to the development of communications between Western Morocco and Tafilalet or Tafilelt. It is a far cry from Agadir and Tiznit, on or near the Atlantic seaboard, to places like Erfoud and Bou Benib, but what gives a certain unity to the movements of penetration in the two directions is, as Mr. Selous points out, that all such movements tend to bring the country beyond the Atlas into conjunction with the present "Maroc utile" between that range and the sea, and to draw it into a Moroccan rather than an Algerian orbit.

3. So far as communications are concerned, the discussions on this subject reveal two lines of thought, complementary rather than opposed to each other, the one directed towards roads, the other railways. I do not know how far the Protectorate is committed to definite schemes, but the most popular conceptions would appear to be that there should be a trunk road from Marrakesh to Tafilelt, and that the eventual railroad connecting Western Morocco with the same region should be a continuation of the existing line from Casablanca to the phosphate fields at Kourigha and Oued Zem.

4. Perhaps the most interesting published contribution to the discussion of these schemes is an article which appeared in the journal of the French chamber of commerce at Casablanca for April: "Une Voie transversale Casablanca–Tafilelt." The writer develops the thesis that the cases beyond the Atlas should be regarded as part of the hinterland of Casablanca. He considers that Casablanca, already connected by rail with the phosphate fields, would be the natural terminus of this "Voie transversale," and suggests that Kasba Tadla, where it would cross the trunk road from Fez to Marrakesh, is ideally placed to become an active commercial centre.

5. It is obvious that all such schemes must depend greatly for their realisation on the definite assertion of French ascendency in the Atlas and in Tafilelt itself. Rumours have been current for some time past of intended military operations in the region of Kasba Tadla or in Tafilelt, or in both. I enclose a cutting from the "Echo du Maroc" of the 3rd June, which is evidently an authorised exposition of what is projected.* It would be bad press-work to adventure anything in the nature of another little war in Morocco. The military advisers of the French Government and the Resident-General have adopted the convenient formula of grand manœuvres. What is really contemplated would appear to be neither war nor manœuvres, but a military demonstration of an intermediary character, to serve as a basis for that political penetration which is so dear to M. Steeg. The main theatre of this display of force is to be the mountainous region south-east of Kasba Tadla, and one of its main objects to create a system of "pistes" in that troublesome area. Mention is also made of "quelques mesures de nature à assurer la tranquillité du Tafilelt," measures to be carried out with the co-operation of the Glawi from the west.

6. The matters dealt with in this despatch are more or less connected with two other subjects, viz.: (*a*) The general political situation in Southern Morocco and the trend of French policy in regard to the Grand Kaids; and (*b*) the approaching completion of the normal-gauge railway from Casablanca to Marrakesh. The first of these is dealt with in correspondence ending with my despatch No. 111 of the 5th June, 1928. I have forwarded to the Department of Overseas Trade in my despatch No. O.T. 21 of the 2nd June, 1928, reports on the second by His Majesty's consular officers at Casablanca and Marrakesh.

7. I am sending copies of this despatch and enclosures to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN.

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* Not printed.

Enclosure in No. 5.

Consul Selous to Consul-General Sir A. Ryan.

(No. 151.)

Sir, *Casablanca, May* 11, 1928.

I HAVE the honour to draw your attention to the "Drang nach Suden," which is now a very perceptible feature of the French Protectorate Government's policy. Not long ago there was news of an advance into dissident territory east of Tiznit; then, quite recently, the Resident-General, M. Steeg, explored the new mountain road leading to Telouet, the stronghold of the Glaoui family, the road now definitely alluded to as the road to Ouarzazat and the Tafilalet; and now the projected visit of the young Sultan, accompanied by M. Steeg, to Agadir and the Souss, are all clear manifestations of official interest in the future of Morocco to the south, and, even more particularly, the south-east.

2. The subject is one of great interest and it is no matter for surprise that the Protectorate Government are seriously studying the development of the country in a south-easterly direction, for Morocco will have definitely achieved her pacification only when she has completely mastered all the territory on both sides of the Atlas mountains, whilst she has clearly, also, to reckon with a friendly, but none the less keen, rival in Algeria, which, with its already very complete development towards the south right up to and into the Sahara, is at present equipped in such a way as rather to wipe the Moroccan Trans-Atlas eye.

3. In the past Morocco has invariably been divided into Eastern and Western Morocco. I consider, however, that a better descriptive and geographical division of Morocco would be found in the expressions, Cis-Atlas Morocco and Trans-Atlas Morocco, the former division embracing all that part of the country which lies between the Atlantic coast and the Atlas mountains, whilst the latter division would embrace all that part of Morocco which lies beyond the eastern and southern watersheds of that range. Cis-Atlas Morocco, or most of it, has now been very thoroughly developed. Trans-Atlas Morocco, on the other hand, has so far been the subject of very little development, and what development it does possess at present has, by the very force of circumstances, a general tendency towards Algeria and the port of Oran. This is a tendency which, it would appear, the authorities at Rabat are determined, very naturally, to counteract by establishing a complete Moroccan unity, whether west or east of the Atlas range, and with a general tendency towards Casablanca as a central focal point and maritime base.

4. The first step in what may be termed, *grosso modo*, the second phase of the Moroccan French Protectorate history, is without doubt the Marrakesh–Tafilalet road alluded to above. The project is a big one, the natural difficulties of terrain are great, it is a long road to Tafilalet, and much of that historic province, where once the old capital of Sijilmassa stood, is unpacified and hostile territory, but a few years, say five, will probably suffice France's North African army and French engineers to bring this road right up to Erfoud and Bou Benib, and pacify the intermediate territory. The road must inevitably, I think, eventually be followed by the railway, for, otherwise, the tendency towards Oran would still prevail, in view of the Algerian rail-head at Colomb Béchar. It seems uncertain, however, if the rail will follow the present road to Telouet. As the crow flies, the distance from Casablanca to the Tafilalet Province is about 400 kilom. (as compared with the 700 separating it from Oran), and this line runs through Oued-Zem, the present rail-head of the normal gauge phosphate railway (178 kilom. from Casablanca), and Qasbah Tadla, an important military post at the foot of the mountains, half-way between Meknes and Marrakesh. From Qasbah Tadla the line would turn south for some 25 kilom., and then negotiate the Atlas range by following the course of three rivers, the Oued-el-Abid, the Assif Meloul, and the Oued Gheris. The "big divide" would occur between the Meloul and the Gheris. This *tracé* would bring the line along the Gheris Valley to the Ferkla tribe, and so to Erfoud. This, very roughly, would appear to make a distance of about 550 kilom. by rail.

5. If and when the Casablanca–Tafilalet line is undertaken, an almost immediate resultant will be the linking up of Meknes and Marrakesh by rail, viâ Qasbah Tadla, thus bringing Fez and Marrakesh into direct communication with one another.

6. There can be no doubt that the pacification of Morocco will be complete when the French control in the Trans-Atlas has reached the confines of the Sahara from the coast to the Algerian frontier. Another ten years should see the attainment of this object.

I have, &c.
G. H. SELOUS.

[W 5730/3229/28] No. 6.

Memorandum by His Majesty's Vice-Consul at Marrakesh respecting the General Situation in the Marrakesh District.—(Received in Foreign Office, June 15.)

THE last four months have passed with few events or incidents of outstanding importance to record. Generally speaking it can be said that the French authorities have strengthened considerably their hold on the country—both politically and economically. Tribes in the Sous and the Atlas country, which had maintained a semi-independence and withstood the advance of military and political forces directed against them by successive Sultans, and latterly by the French, have recently submitted and come within the orbit of French influence. The most recent development in the above direction has been the virtual surrender of the Ouarzazat tribe among which (at Taourirt, latitude 34° 25′ north, longitude 10° 12′ west) the French authorities have established a military political officer ("Bureau d'Affaires indigènes").

2. Apart from the slight set-back experienced recently in the north-east of Morocco by the French authorities in their efforts to extend the territory under the control of the Central Government and themselves, the French policy of peaceful penetration has yielded good results. In South Morocco much of the credit for this can fairly be attributed to the tact and judgment of General Hure; at the same time, the gradual transfer of control from the hands of the native authorities into the hands of the French is unquestionably the result of the policy of gradually curtailing the influence of the great kaids, which has quietly been carried out during the past few years.

3. The disintegration of the Goundafi influence has been steadily going on since the dismissal or enforced retirement in April 1924 of the old kaid, Si-el-Hadj Taieb Goundafi. The death of the latter, which took place on the 24th March, 1928, will render more than ever difficult any effort on the part of his successor, Kaid Si Lahssen-el-Goundafi, to restore to its former greatness the influence of the Goundafa.

4. With the death of the Grand Kaid of the M'touga, Si Abd-el-Malek M'tougi, on the 20th April, 1928, the French authorities may safely be expected to take advantage of the opportunity to reduce the power and sphere of influence of his successor. The latter should be chosen from the two legitimate sons who survive, viz., Ibrahim (the elder) and Kaid Mohammed. The former is a weak-minded and stupid man aged about 40, with little of the strong and fearless personality of his late father. The latter is reported to be more popular among the M'tougi clansmen, and to be of more promising material; he would better be able to fill the rôle of a feudal lord or Governor. The successor of the "Grand Old Man of the Atlas," as old M'tougi had become, will, in spite of local opinion, be nominated by the French authorities, who will doubtless choose whoever suits their own preferences and policy, as they did in the case of the present Sultan's accession to the throne. In that case, the more pliable Ibrahim will probably become the Grand Kaid of the M'touga; in fact, the local press here—such as it is—refers to Ibrahim-el-M'tougi as the new kaid, as though his appointment had already been officially announced. In any case, the subsidiary clans who have hitherto formed the confederation of the M'touga and go to make up its influence and power, will, almost certainly, be detached from the control of the new Grand Kaid, and will each have their own kaid, in precisely the same way as the Goundafa Confederation was split up in 1924.

5. There, therefore, remains only one out of the three Grand Kaids who held the Atlas region between them until the advent of the French here. The survivor, Hadj Thami-el-Mezouari-el-Glaoui, Grand Kaid of the Glaoua, contrives to hold his own and to resist any curtailment of his power, as reported in earlier reports. since he holds the dual title of Kaid of the Glaoua and Pasha of Marrakesh, he has,

of course, better opportunities of safeguarding his position, and he continues to use these opportunities, now as in the past, with skill and cunning.

6. The ever-recurring problem as to whether the dangerous power of the Pasha, Hadj Thami-el-Glaoui, is to be permitted to develop further, or is to be checked, continues to present itself now as in the past few years. The peculiarly strong position enjoyed by the Glaoui is realised to the full in all circles, French and native. The fact that the French authorities continue to tolerate his irregularities (if one may euphemistically so term the criminal misdeeds of which he is generally considered to be the author or instigator) has increased the feelings of despair from which the local population have been suffering for many years. The ever-growing burden of taxation under French auspices has not tended to render more popular the French or their policy of allowing the Glaoui to have a free hand. As previously reported, the French would doubtless be glad to be rid of him, but they realise that he has too strong a backing in French political circles to dare to envisage his removal from office. This development might easily have unpleasant results, of which two, in particular, may be mentioned, viz., a rising of the Atlas tribesmen and of malcontent Moroccans in general, and, further, the making public of scandals and irregularities in the French Administration. In the latter connexion, the Glaoui would be quite capable of exposing the venality or corruption of which persons in high places in Paris have been guilty, even though he himself were equally implicated.

7. The French are fairly certainly awaiting their opportunity of dealing with the Glaoui, and, in the meantime, are making good use of him. In particular, the recent extension of French influence beyond the Atlas, *i.e.*, among the Ouarzazat tribe (see paragraph 1 above) can directly be attributed to the Glaoui's co-operation. The above extension of influence was realised through the efforts of the Political Bureau in the Glaoui's zone, at Telouet (latitude 34° 42′ north, longitude 10° 38′ west), and information to hand is to the effect that further extensions of French influence may be expected to the south of the Atlas range before long. The French are taking advantage of the state of security in the Glaoua country to construct a good road there across the Atlas Mountains, and have, indeed, succeeded in metalling the road as far as Zerekten (latitude 34° 58′ north, longitude 10° 50′ west). Beyond Zerekten the road, though not finished and metalled, is able to take motor-car traffic up to practically Telouet itself.

8. The construction of the above road to Telouet has been rendered possible largely by the Glaoui's co-operation. The road is not being constructed purely for the purpose of opening up the Glaoua country; it is, rather, for military and strategic reasons that this road-making feat has been carried out. Rumours have been heard here to the effect that when the road is completed, as it is expected to be during this summer, troops will then be able to co-operate against the numerous dissident tribes in the Atlas, situated to the south and east of Beni Mellal, where the kidnapping of French persons took place last November. Experience has shown the French military authorities that frontal attacks rarely succeed in the rugged mountainous country which harbours these hostile tribes; it is for this reason that the Telouet road will possess great strategic value, for it will enable the French to attack the Atlas tribes from the south as well as from the north.

9. The above affords one illustration of the value of the Glaoui's support; others might be shown, but little useful purpose would be served by so doing. He is still a useful asset to the French, and, as such, the latter close their eyes to his high-handed or criminal doings. It is impossible to foresee with certainty whether the Glaoui's term of office is likely to continue for long or not. It is said that the Resident-General is anxious to remove him from office, not only on account of the irregularities in his administration, but because he (the Glaoui) has been striving to discredit the Residency-General among high political personages in France. For reasons already given the time does not appear ripe for coming to grips with the Glaoui, and while on the surface their official relations continue to appear normal and even friendly, the subterranean warfare between the two parties is being pursued without, however, influencing the present political position. It is possible, however, that other factors may affect the fortunes of the Glaoui. Rich as he is, at present his finances are in a distinctly parlous state. His extravagant mode of living, the enormous sums he is perforce obliged to pay out regularly to buy the support or silence of useful adherents, and his many purchases of real property in various parts of Morocco, have together combined to drain his resources of hard cash. So far has he been reduced to a state of financial embarrassment that a few weeks ago he borrowed from friends in Paris the sum of 7 million francs at an interest of 16 per cent. Only a fortnight ago he contracted a loan for a further 2½ million francs under

similar terms. He owes large sums in Marrakesh too. It is astonishing that he should be buying lands and be building on a large scale (in Casablanca, for instance) with capital borrowed on such disadvantageous terms. The only explanation for this unbusiness-like procedure seems to be the fact that the Glaoui is inordinately vain, and is unwilling to show publicly that he cannot complete his ambitious and expensive building schemes.

10. Apart from these difficulties, one should mention that the Glaoui has recently been sued in the courts here on serious charges—forgery, embezzlement, &c., involving very large sums of money and considerable areas of land. It will be interesting to see whether the above difficulties will be overcome by the Glaoui with his resourcefulness and ability to arrange things by judicious bribery in the proper quarters. It is possible that the difficulties just described may be the outer meshes of a net which will eventually encompass him and bring about his downfall; in any case the fall—if and when it takes place—should be sudden and dramatic.

11. In addition to the ascendance which France has gained over Morocco in a political sense, mention should be made of the hold which France is ever tightening upon Morocco's economic resources. Ports, railways, mining concessions, and almost all commercial undertakings are financed by French capital and directed with predominantly French personnel. Moorish co-operation for the economic development of Morocco is, it is true, difficult if not almost impossible to obtain; at the same time, Moorish participation in large development schemes, if it were encouraged, would do much to remove feelings of distrust or suspicion and the conviction among Moors that Morocco is being developed and exploited primarily for France's benefit.

12. The views of local Moors on the general situation are almost incapable of definition for the simple reason that they are for the most part inexistent or else incoherent. Dissatisfaction with the French and Shereefian Administrations is the dominant feeling. The few Moors who are sufficiently educated to appreciate the ever-increasing influence of the French over the Shereefian Administration are full of suppressed indignation and disgust at the manner in which their country is gradually passing into what they consider to be bondage; they feel that the French are insincere, and that the numerous reforms introduced are designed more to enslave them than to promote their well-being. They feel that purely Moorish interests are not served by the mass of legislation which the Residency-General pours out week by week, but that every new *arrêté* loads the dice still more in favour of the French and to the disadvantage of themselves. They ask themselves in what respect they are better off now than in pre-Protectorate days. The exactions of the kaids still continue much as before, in spite of the presence here of a French Administration and of French armies, which should prevent such a state of affairs. Moreover, taxation prior to 1908 was almost non-existent, now it is heavy, and they suffer in consequence. They describe as illusory the much-vaunted era of security and civilisation which the French Protectorate has ushered in, for the state of calm which exists in the country is artificial and maintained only by sheer armed force. There are few Moors who can express their feelings or views, but the foregoing roughly represents the views of a large percentage of the population. While the spread of education is not encouraged among the population and the country continues to remain in a state of ignorance, the above feelings are not likely to gain enough ground to disturb the equanimity of the French authorities; later on, however, France may find that her policy has created an unpleasant nationalist feeling in Morocco similar to that existing in her North African Colonial Empire.

J. R. VAUGHAN-RUSSELL.

Marrakesh, May 12, 1928.

N.B.—For latitudes and longitudes referred to in this memorandum, please refer to the 1/500,000 map issued by the "Service géographique du Maroc" (1924). Latitudes and longitudes on the above map, incidentally, differ by 3° 30′ from those shown on other maps.

J. R. V.-R.

[W 7243/2252/28] No. 7.

Consul-General Sir A. Ryan to Sir Austen Chamberlain.—(*Received August* 1.)

(No. 145.)

Sir, *Rabat, July* 24. 1928.

WITH reference to my despatch No. 137 of the 22nd July, 1927, I have the honour to state that the usual summary of the budget of the French Protectorate for the year ending the 31st December, 1928, was published in the "Bulletin officiel" of the 3rd July.

2. The following table shows how the totals of the estimates compare with those for 1927:—

Estimates of Expenditure.			Estimates of Receipts.		
——	1927.	1928.	——	1927.	1928.
	Fr.	Fr.		Fr.	Fr.
Ordinary budget	531,652,239	641,232,265	Ordinary budget ..	531,829,110	641,574,610
Special budgets—			Special budgets—		
Expenditure chargeable to proceeds of loans	55,803,288	220,069,800	Proceeds of loans ..	55,803,288	220,069,800
			Reserve fund ..	44,509,600	54,435,000
Expenditure chargeable to reserve fund and other specially affected reserves	85,399,600	109,566,950	Other specially affected resources	40,890,000	55,131,950
Grand total	672,855,127	970,869,015	Grand total ..	673,031,998	971,211,360

3. I have not yet received the complete estimates; when I do, it may be some little time before I can submit them to careful analysis. I therefore forward the total figures with the following provisional comments only:—

(*a.*) The estimates in the ordinary budget, which once more show a considerable increase on those for 1927, correspond closely with the figures foreshadowed in Mr. Rapp's despatch No. 195 of the 16th December, 1927, subject to the increase subsequently decided on in the circumstances indicated in paragraph 9 of my despatch No. 37 of the 5th March.

(*b.*) The large sum which figures in the special loan budget is shown on the receipts side as "avances de Trésorerie en attendant la réalisation de l'emprunt prévu en 1928," *i.e.*, the loan of 819,822,000 fr. authorised by the French Government last March.

4. I dealt with the loan just mentioned in my despatch No. 37 of the 5th March. I now enclose a supplement issued with the "Bulletin officiel" of the 10th July, which throws a good deal of interesting new light on it.* It would appear from the "exposé des motifs" of the law, though I am still not quite clear on the subject, that I was mistaken in supposing that there would be a new convention with the Société des Chemins de Fer du Maroc, modifying the terms on which the Fez-Oudjda Railw y to be constructed. As I now understand it, these terms remain. The first contribution by the Protectorate of 120 million francs is to be a charge on the new loan, and subsequent payments are to be provided out of other resources, immediately by the Protectorate and indirectly by France in the negative sense that the French Government will not, subject to certain reservations, call on Morocco for an increased contribution to the French war budget. France will also help Morocco to carry out her special programme of railway development and public works by placing at her disposal a stated portion of the "prestations" payable by Germany under the Dawes plan, subject to the arrangement for payment laid down in article 5 of the law authorising the new loan.

5. The table on p. 22 of the enclosed supplement, in which I have corrected one misprint in addition, gives a general view of the programme for the next five years. The credits opened under the previous loan of 744,140,000 fr. authorised in 1920 amounted up to the end of 1927 to 528,509,500 fr., not including further expenditure of rather more than 30,000,000 francs provided for out of "fonds de concours,"

* Not printed.

meaning, I take it, certain contributions from the Phosphate Monopoly; 300 million francs of this expenditure under the 1920 loan was realised by issues and the remainder financed provisionally out of moneys available in the Treasury. The unexpended balance of that loan, namely, 215,630,500 fr., less an economy of 690,500 fr. in expenditure on *beaux arts*, &c., is to be merged in the new loan. The total special expenditure contemplated in the next five years is 1,019,822,000 fr., of which 200 million francs will be provided out of profits on the Phosphate Monopoly and the remainder by borrowing. The whole position may be restated in summary form as follows:—

	Fr.
Loan authorised in 1920	744,140,000
Expenditure up to end of 1927 in respect of 1920 loan ...	528,509,500
Balance which might have been expended under 1920 loan	215,630,500
Total of additional expenditure now contemplated, including first payment for Fez–Oudjda Railway	804,882,000
Total	1,020,512,500
Deduct economy on original estimate for *beaux arts* ...	690,500
Net total required for new five years' programme ...	1,109,822,000
Deduct anticipated contributions by Phosphates	200,000,000
Balance to be provided by borrowing	819,822,000

6. The appendices to the draft law, though not very well co-ordinated, contain a mass of interesting details as to how the proceeds of the 1920 loan have been spent and how the proceeds of the new loan are to be spent in 1928–33. A great deal of the latter expenditure should be ultimately remunerative, but it is interesting to note that, having regard to stabilisation of currency and general conditions, the Protectorate does not bank on an annual increase during the next few years of more than 5 per cent. in the receipts included in its ordinary budget. This might appear a conservative estimate in view of the rapid growth of the budget in recent years, but the authors of the draft law lean in the opposite direction and call it a "proportion optimiste." They are nevertheless prepared to face an increase of the overhead charges under the heading "Public Debt" from this year's figure of about 150 million francs, or 23·5 per cent. of the total of ordinary expenditure, to 380 million francs, or 38 per cent. of probable total expenditure ten years hence. It will be noticed that in the paragraph of the "exposé des motifs" dealing with this subject reference is made to a project for a further loan of similar amount to the present at the end of five years from now.

7. I am sending a copy of this despatch to the acting British consul-general at Tangier.

I have, &c.
ANDREW RYAN.

[W 8719/3229/28] No. 8.

Consul-General Sir A. Ryan to Lord Cushendun.—(*Received September* 13.)

(No. 176.)
My Lord, *Rabat, September* 5, 1928.

IN the fifth paragraph of my despatch No. 112 of the 6th June, I had the honour to describe briefly a plan of military operations which it was proposed to undertake in the Middle Atlas. Comparatively little has since been heard of the so-called "grand manœuvres," but now that the season is well advanced, it may be worth while to sum up what little information I have gleaned from the press.

2. It was explained at the beginning of June that the operations would be directed from Kasbah Tadla and would not entail anything in the nature of a regular summer campaign, but would have for their principal object to consolidate and extend the system of *pistes* or primitive but practicable roads in the mountain area from Ouaouizert to Alemsid, places respectively about 32 miles south and 40 miles east of Tadla. This, it was hoped, would facilitate the penetration, with a minimum of

military and a maximum of political exertion, of what remained the one serious *tâche* of disaffected area in the interior of the French zone, bringing the tribes, more especially the Ait Shokman, to submission and securing the upper course of the Oued-el-Abid, a matter of importance both strategically and more generally, *e.g.*, in connexion with hydraulic schemes.

3. Later in June it was announced that, as a result of combined French and native movements, the Aderbo plateau, a commanding position in the neighbourhood of Anoufi, a post some 12 miles south-east of Tadla, had been successfully occupied on the 11th June, and the Djebel Tiffert, about 10 miles north-west of Alemsid, had been occupied with equal success on the 17th June. These results had been achieved without loss of European life, except an officer and a sergeant killed in an aeroplane crash on the 11th June, and it was stated that native casualties had been few and had been caused by imprudent enthusiasm. The road-making was said to be proceeding satisfactorily, and the impression on the dissident tribes was reported as having been considerable.

4. No further communiqués appeared, and about a month later the local press began to strike a less optimistic note. It began to be suggested that the French had fallen between two stools; that the military authorities, in obedience to the wishes of the French Government, had refrained from attempting any complete reduction of the disaffected area in the Middle Atlas; that they had, nevertheless, undertaken certain operations maladroitly disguised under the name of grand manœuvres; and that, while they had made two forward thrusts, they had not succeeded in overawing the tribesmen. Friendlies, it was said, did not know where they were. Dissidents had been left with the impression that they could laugh at the French and continued to indulge in raids, the victims of which were natives, but which were not less disquieting on that account. These criticisms are expressed by French settlers in the Tadla region, and more moderately by writers further from the spot, like M. Guy de Montjou, a French Deputy specially interested in Morocco, and M. G. Louis, the able leader writer of the "Vigie marocaine."

5. In one sense the operations may be regarded as the sequel to the capture of a European party, including M. Steeg's nephew, a year ago, in the neighbourhood of Beni Mellal, but that unfortunate and inglorious episode was merely a symptom of disease, and it is clear that the French cannot afford to tolerate indefinitely the survival of disaffection in the Middle Atlas. The critics suggest that this year provided the opportunity of liquidating the situation and that the opportunity has been lost. M. Louis, presenting "Quelques Conclusions" in an article published on the 8th August, admits the value of the occupation of the Aderbo plateau and the Djebel Tiffert, but his final estimate is this:—

> "Le problème n'est donc plus insoluble même pacifiquement. Il reste cependant à le résoudre. Et l'on s'étonnera et l'on regrettera que des parlementaires n'aient pas su faire confiance à la prudence de l'éminent pacifiste qui représente ici le Gouvernement français et qui a pour mission de faire progresser dans ce pays la pacification française.
>
> "Un an de perdu, cela peut n'être rien.
>
> "Mais si l'on avait appliqué ce raisonnement en 1908, ce n'est pas sur l'Aderbo que l'on aurait pu faire les grandes manœuvres cette année."

6. The fact is that, great and admirable as has been the achievement of France in Morocco so far, she is now involved in a dilemma. It is difficult to rest indefinitely on an arbitrary distinction between a "Maroc utile" and a negligible beyond, but in order to consolidate the country as a whole, it is necessary not only to resolve the problem of the southern kaids, a subject with which I have dealt in other despatches, but to bestride the Middle Atlas. Certain interests, as I have shown above, clamour for the performance of the latter task, counting too lightly the cost, which must not be reckoned only in money and loss of life in battle, but in casualties and death from disease. These, I understand from His Majesty's vice-consul at Fez, have not been insignificant this summer. The French Government and people, increasingly non-militant and still remembering how difficult an enterprise the Riff war proved, not unnaturally shrink from the dubious experiment of serious military operations in a *terrain* so baffling as the Middle Atlas.

7. I am sending a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.
ANDREW RYAN.

[W 10459/3229/28] No. 9.

Consul-General Sir A. Ryan to Lord Cushendun.—(Received November 2.)

(No. 206.)

My Lord, *Rabat, October 26, 1928.*

WITH reference to my despatch No. 115 of the 9th June, I have the honour to forward herewith copies of a despatch and three enclosures* addressed by His Majesty's vice-consul at Marrakesh to His Majesty's consul at Casablanca, regarding the situation in Southern Morocco. Mr. Dawkins, having only just taken up his duties at Casablanca, has not felt himself in a position to offer comments of his own on these papers.

2. Mr. Vaughan-Russell deals principally with the position of the two leading members of the Glawi family, Arcades Ambo, in the matter of extravagance and oppression; and with the extension of French penetration beyond the Atlas. The ultimate effect of the latter must be to curtail the power of the Glawi, but they still have the advantages of a considerable influence and central strategic position, all the stronger because of its proximity to definitely disaffected areas, including that Middle Atlas region the persistent "dissidence" of which has, as I have reported in other recent despatches, become so serious a preoccupation to the French. The balance of power and the unholy alliance may be expected to continue for some time between the Glawi, whose bread is *quand même* made palatable by French butter, and the French, who, unprepared to take drastic action, must regard those wicked highland chieftains as being at once useful and potentially dangerous.

3. There is, nevertheless, a slight tendency on the part of the French to confine toleration within narrower limits than of old. Mr. Vaughan-Russell describes the pressure exerted by the general-in-command at Marrakesh on Si Hammou to pay his debts. Another example of the same tendency is afforded by a case in which a British subject has a considerable claim in respect of dishonoured bills and goods not paid for against the same personage. This case has, partly through my intervention, been properly tried in the native High Court of Rabat, and a judgment for the plaintiff has been, or is on the point of being, recorded. Whether it will be executed remains to be seen, but four years ago the French would have prepared to deal with such a case as a political matter rather than let it come into court.

4. I am sending copies of this despatch and enclosures to His Majesty's consul-general at Tangier.

I have, &c.

ANDREW RYAN.

Enclosure 1 in No. 9.

Vice-Consul Vaughan-Russell to Consul Selous.

(No. 160. Confidential.)

Sir, *Marrakesh, October 5, 1928.*

WITH reference to my despatch No. 92, Confidential, of the 12th May last, I have the honour to transmit herewith a memorandum on the general situation in the Marrakesh district, and to advert briefly to the more noteworthy events or incidents —unimportant though they are—which have occurred since the middle of May.

2. The memorandum referred to above largely centres around the activities of the Glawi. Allusion has been made, however, to the continuance of the work of peaceful penetration beyond Ouarzazat, which was also referred to in my above-mentioned despatch.

3. One may, I think, summarise the memorandum by stating that there is little change in the position here now as compared with six months ago.

I have, &c.

J. R. VAUGHAN-RUSSELL.

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* One enclosure only printed

Enclosure 2 in No. 9.

Memorandum regarding the General Situation in the Marrakesh District.

THE position in the Marrakesh district is now much as it was six months ago and, for that matter, a year or two ago. The Glawi, Hadj Thami-el-Mezouari, continues to hold his own and to defy any interference on the part of the French authorities in spite of numerous actions of his which, if perpetrated by others in Morocco, would certainly have brought disaster upon their heads. In Annexes A and B of this memorandum will be found interesting examples of the methods of the Glawi and of his nephew, Si Hammou, of raising money when hard pressed, viz.: by arbitrarily imprisoning a rich Moor and sequestrating all his property. That such high-handed action—carried out under the very noses of the French authorities—should be tolerated by the latter has only to be seen to be believed. The fact that the Glawi, who, as Pasha of Marrakesh, is president of the native court here, can brazenly and with impunity commit such outrages provides a commentary not only upon the impotence or slackness of the French authorities and of the power of the Glawi, but at the same time upon the administration of justice in modernised, 20th-century Morocco.

2. Financially the Glawi is no better off than he was earlier in the year despite a good harvest in South Morocco and the consequent increase in his revenues. His debt has reached such proportions, and the heavy interest it carries constitutes such a burden, that his revenue, even during a year yielding harvests well above the average, does not now suffice to cover his financial needs. Only the sale of some of his huge landed estates will wipe off his debts; such a course, involving the sacrifice of his vanity, he will not take, and so the debt mounts up. The Banque d'État du Maroc and other French banks are stated to have made large loans to the Glawi on onerous terms both as regards the interest they bear and on account of the mortgages on many of the Glawi's estates, which have been conditional to the granting of the loans. It is, perhaps, from the big French business circles, whose capital is immobilised in loans upon the Glawi's estates, that trouble for the Glawi may spring in the future. As long as he pays the interest due, these banks will remain satisfied. Of course, they are bleeding the Glawi, and, indirectly, the country itself. If the day should come when the banks and the Glawi should fall out, an interesting situation fraught with dangerous possibilities may well arise. Whatever the Glawi's financial situation may be, he does not appear to have let it worry him in the least and he has left Morocco this summer for his annual holiday in Europe and the round of extravagant amusements which his visits to France usually involve.

3. During the summer the French have been working hard on the Transatlas road from Marrakesh to Telouet, which is now completed as far as Telouet itself. A six-wheeled lorry a few days ago did the journey across the Atlas and reached Ouarzazat; this achievement was signalised by an article in the local press, which dwelt at some length on the value of roads and the motor car as means for accomplishing the peaceful penetration of the Transatlas regions bordering on the Sahara. There is no doubt that the policy of the French is to extend as fast as possible the area of Morocco owning allegiance nominally to the Central Cherifian Government, but, in practice, to the French authorities themselves. To achieve this end, tribes are slowly but surely being isolated and then swallowed up, and the age-long game of playing off one tribe against another and of exploiting and profiting by tribal jealousies and feuds has been practised by the responsible military authorities with no inconsiderable patience and adroitness. In this manner, the tribes of the Sous and the few tribes in the Western Atlas which remained to be subdued were brought under the control of the Central Government during 1927.

4. During the present year the work of peaceful penetration is being continued in the Southern Sous and in the Transatlas region beyond Ouarzazat. The last-named region is on the verge of the zone of the Glawi's influence; incidentally, it is, perhaps, to be doubted whether the influence of the Glawi in this region amounts to much, and whether it is serving, to an appreciable degree, the French military authorities in their present efforts to subdue the savage mountain tribes beyond Ouarzazat, such as the Ait Atta and Ait Shokman groups. The fact that French flying columns composed of native "partisans" have recently been operating as far afield as Todra is a sign that operations are not at a standstill and that efforts to link

* Not printed.

up the French military forces south of the Atlas are being actively pursued. The distance separating the French columns at Ouarzazat and at Ksar-es-Souk, on the north-eastern confines of the Tafilelt, is very great, and the obstacles in the way of effecting the junction of these columns are likely to present a serious problem for the French military authorities. The existence of a good road across the Atlas would prove a useful asset to the French military authorities in the event of a serious campaign against the unsubdued mountain tribes. Military measures will, however, need to be reinforced by strong political pressure on the dissident tribes if the latter are to be subdued without the loss of many French lives, a contingency which will be avoided at all costs. As military measures on a large scale can be ruled out as quite unlikely, it will be interesting to see how the reduction of these tribes by peaceful, political penetration will be effected, and whether the Glawi's influence will prove a useful instrument for the purpose. If not, the Glawi's utility to the Protectorate authorities will largely cease, and the Glawi's cunning and ingenuity will then need to be exerted to the full if he is to avoid the fall from power of which he will be in danger.

J. R. VAUGHAN-RUSSELL.

Marrakesh, October 5, 1928.

CHAPTER II.—THE SPANISH ZONE.

[W 521/37/28] No. 10.

Mr. Gurney to Sir Austen Chamberlain.—(*Received January* 19.)

(No. 7.)

HIS Majesty's consul-general at Tangier presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of despatch No. 278 from His Majesty's consul, Tetuan, dated the 31st December, 1927, respecting military events in the Spanish zone of Morocco.

Tangier, January 9, 1928.

Enclosure in No. 10.

Consul Allchin to Mr. Gurney.

(No. 278. Confidential.)

Sir, *Tetuan, December* 31, 1927.

WITH reference to Mr. Morillo's despatch No. 171 of the 16th July, I have the honour to report that, for practical purposes, it is true to say that not a shot has been fired in this zone since the 11th July, the date on which the military operation against the remaining dissident country between Bab Taza and the French zone frontier was brought to a successful issue. For the first time the whole of the Spanish zone has been pacified and brought under a single control.

2. In the Riff public security has been absolute, and natives and Christians alike have been able to travel alone and unmolested by night or day. This has been due partly to the fact that the tribes suffered their heaviest defeats in that region and partly to the inherent character of the Riff, which, as you are aware, makes him a fierce opponent in battle but peaceful and trustworthy when war is at an end.

3. In the Jebala, where the more recent Spanish advances led to no serious battle with the tribes, and where the natives are in any case of notoriously unreliable character, certain precautions still have to be taken. Roads are carefully guarded, and are closed when the protecting troops are withdrawn. The roads from Tetuan to Sheshuan and Tangier are thus not yet open at night.

4. The fact that no tribal disturbance has in fact occurred has permitted the Spanish authorities to declare that permanent pacification of the zone has at last been achieved. Public statements to this effect have been made by the highest officials. The visit of the King and Queen of Spain to the zone early in October assumed the character of a Festival of Peace. On the 12th October a public holiday was declared in Spain, and the " Fiesta de la Paz en Marruecos " was celebrated with public rejoicing. The " parte oficial," the official communiqué concerning the military situation in the zone, disappeared from the Spanish press on the 25th October. When certain civilians were kidnapped in the French zone during the course of the same month, Spanish opinion was sufficiently confident to draw bold contrasts between the states of security in the two zones. The Moroccan Peace Medal, inscribed 1909–27, was created by " real order " of the 22nd November.

5. The finality of the 1926 and 1927 victories over the tribes has thus been generally accepted in Spanish circles, although here and there a discordant note has been struck. As you are aware, a general reorganisation of the whole military establishment in Morocco is being carried out to meet the requirements of the changed situation, and the total number of men serving here is being reduced to less than 70,000. The repatriation of Peninsular troops has been progressing steadily since July and is now complete. Some 40,000 men returned to Spain during this period.

6. Confident as the military authorities are that there will be no recrudescence of dissidence, they have nevertheless been as active as possible in consolidating their victory with a view to preventing a future outbreak. The labour has, of course, fallen mainly upon the " intervenciones," which, I understand, have now established posts among all the tribes except the Beni Zerual, whose territory is still the subject

of dispute between the French and Spanish authorities. Their activities have been principally directed towards the disarmament of the natives, which, as you are aware, is the corner-stone of the present Spanish military policy. In April only 25,000 rifles had been collected from the tribes. Now the enormous total of over 55,000 is officially claimed. As this exceeds the total number estimated to have been in the hands of the tribes, it is impossible to say how many remain to be collected. Rifles, however, are still being handed in at the rate of about 1,000 a month. On the whole, it seems safe to say that disarmament will be practically complete. The "intervenciones" have also sought to induce all the old tribal leaders to make submission to the Makhzen. In this, too, they have been largely successful. Several minor tribal chiefs are still hiding in the hills, but all the leaders of importance have submitted.

7. It is clear, however, that these measures alone will by no means suffice to ensure the durability of the present peace. At the moment, even without them, there would seem to be no serious risk of trouble, as the tribes are exhausted and tired of war. Should the will to fight revive, arms would doubtless be obtained as before, though with greater difficulty, by capture or through the defection of native units. Of leaders there would be no dearth. I am of the opinion, moreover, that the tribes will desire to renew the struggle within a few years, when they have recovered from their exhaustion, unless in the meantime the bitterness which the natives now feel against the Spaniards can be removed, and unless by development schemes the Spanish authorities succeed in opening up the country. The responsibility for this would seem to rest principally with the "intervenciones," who, by good tribal administration, may win the respect of the natives, and with the Departments of Public Works and Colonisation, which can on the one hand put money in the native's pocket, and, on the other, impress him with the solidity of the Spanish dominion.

8. The importance of this work is fully realised in Spanish circles, and is frequently discussed under the heading of the "Battle of the Peace" in the local press. It remains, however, to be seen whether and how it will be executed. Enthusiasm at present reigns in the "intervenciones" and in the Departments of Public Works and Colonisation, and there are indeed grounds for hoping that, at least so long as General Primo de Rivera remains in power, a sound Moroccan policy may be pursued. Nevertheless, Spain's unhappy record in the past, both in this country and elsewhere, unfortunately inclines one to pessimism. It seems probable that the old misgovernment will gradually return. The "intervenciones" officers will probably attach more importance to the collection of taxes, such as the markets' tax, tertib and patentes, than to the good administration of the tribes. The enthusiasm for public works and colonisation will probably abate when it is found that Spain's home financial position demands economy, and that Spaniards are unwilling to settle in this country.

9. I realise that these conjectures are of small value, and I only venture to make them with all reserve. On the whole, however, I am of the opinion that Spain now has a golden opportunity to consolidate her success in Morocco, that she knows it and intends and knows how to do it, but that she will fail. I also believe that a corollary of her failure—after a period of two or three years—will be the recrudescence of serious tribal difficulties. At the same time, I do not think that dissidence will ever again assume such an alarming aspect as it bore under the ægis of Abd-el-Krim.

I have, &c.
G. C. ALLCHIN.

CHAPTER III.—THE TANGIER ZONE.

(a.) Franco-Spanish Conversations.

[W 1023/12/28] No. 11.

Sir H. Rumbold to Sir Austen Chamberlain.—(Received February 6.)

(No. 66.)
Sir, *Madrid, February 3, 1928.*

I HAVE the honour to report that I had some conversation with General Primo de Rivera at a party at the Portuguese Embassy last night, and took the opportunity to ask whether the Franco-Spanish conversations about Tangier would soon be satisfactorily concluded.

2. General Primo de Rivera replied that he thought an agreement would be reached about the end of the present month. This was also confirmed to me by General Jordana, who has, under General Primo de Rivera, been directing the conversations from this end.

3. General Primo de Rivera then said that he thought that the sequence of events would be as follows: After the conclusion of an agreement with France about Tangier, the results of which would be communicated to the British and Italian Governments, there would be a period of what he described as "diplomatic preparation" for the meeting between representatives of the four Powers to consider the agreement. I understood him to mean by this that the results of the Franco-Spanish Agreement would be communicated to the British and Italian Governments through the diplomatic channel, and that the British and Italian comments on the agreement, as well as, for instance, Italian claims in connexion with Tangier, would be conveyed through the same channel.

4. I suggested that this might prove a somewhat lengthy procedure and delay matters, but he said that it need not take more than a month and that it was important to establish an agreement in principle before representatives of the four Powers met, so as to avoid the possibility of an *échec* at the meeting. He anticipated, in fact, that it would be possible for representatives of the four Powers concerned to meet either in April or, at latest, in May.

5. I then took the opportunity of drawing his Excellency's attention to a paragraph which had appeared in the "Times" of the 30th ultimo, to the effect that Spain is contemplating a resumption of her membership of the League of Nations and is in touch with the secretariat at Geneva in this connexion. I understood him to say that the Spanish Government had addressed certain enquiries to the secretariat. He added that, as I knew, Spain's withdrawal from the League would not anyhow become definitive until next September. From the manner in which he made this statement, coupled with other remarks, I formed the distinct impression that he had practically made up his mind to resume collaboration with the League.

I have, &c.
HORACE RUMBOLD.

[W 2181/12/28] No. 12.

M. de Fleuriau to Sir Austen Chamberlain.—(Received March 7.)

Ambassade de France, Londres,
M. le Secrétaire d'État, *le 6 mars* 1928.

LE Gouvernement français me charge de faire part à votre Excellence de l'heureuse issue des conversations franco-espagnoles, relatives au Statut de Tanger, et de vous remettre le texte ci-joint de l'accord signé à Paris le 3 de ce mois, à cet égard, par M. Quiñones de León et M. Briand, au nom de leurs Gouvernements respectifs.

Comme le sait votre Excellence, les Gouvernements espagnol, français, britannique et italien se sont mis d'accord, en novembre 1926, pour étudier les modifications que chacun d'eux et dans le cadre des traités en vigueur, désiraient voir apporter au Statut de Tanger.

Ces Gouvernements convinrent que les demandes du Gouvernement espagnol feraient l'objet de conversations préliminaires entre celui-ci et le Gouvernement français, puis que, si ces pourparlers aboutissaient, les deux Gouvernements associeraient à leurs conversations les Gouvernements britannique et italien. Cette réunion des quatre Puissances, après avoir délibéré sur les propositions franco-espagnoles, examinerait les conditions auxquelles le Gouvernement italien serait disposé à adhérer au statut. Enfin, les propositions communes des quatre Gouvernements seraient soumises sans délai, et par la voie diplomatique, aux autres Puissances intéressés.

Conformément à cette procédure, adoptée en novembre 1926, le Gouvernement français et le Gouvernement espagnol invitent le Gouvernement britannique, et en même temps le Gouvernement italien, à prendre part aux conversations, dont le caractère et l'objet ont été définis plus haut.

Les Gouvernements français et espagnol ont l'honneur de proposer que ces conversations, qui auraient pour but de préparer l'accord définitif entre les quatre Gouvernements, aient lieu à Paris, dans le courant du mois de mars, par exemple à partir du jeudi 15, entre le Ministre des Affaires étrangères de la République et les Ambassadeurs d'Espagne, de la Grande-Bretagne et d'Italie accrédités à Paris. Il semblerait désirable que chacun d'eux ait l'assistance d'un délégué technique, détaché par les services compétents de son Gouvernement.

Je serais très reconnaissant à votre Excellence de bien vouloir me faire savoir, aussi rapidement que possible, si elle est bien d'accord avec les propositions que je viens de lui soumettre.

Veuillez, &c.
A. DE FLEURIAU.

Enclosure in No. 12.

Franco-Spanish Agreement.

LE Gouvernement de la République française et le Gouvernement de Sa Majesté le Roi d'Espagne (le Gouvernement de Sa Majesté le Roi d'Espagne et le Gouvernement de la République française),

Jugeant utile de compléter la convention du 18 décembre 1923 par des dispositions qui garantissent efficacement la sécurité des différentes zones du Maroc et en particulier celle de la zone espagnole,

Et se trouvant d'accord pour adopter et proposer aux autres Puissances intéressées d'adopter, en ce qui les concerne, certaines mesures appropriées à ces fins,

Les soussignés, dûment autorisés par leurs Gouvernements respectifs, sont convenus des stipulations suivantes :

1. La répression de la contrebande d'armes et des agissements dirigés contre l'ordre établi dans les différentes zones du Maroc ou contre un pays étranger renforcée par des amendements au statut et au Code pénal de la zone de Tanger, amendements qui seront conformes aux principes définis dans la note remise par le Gouvernement français au Gouvernement espagnol, le 13 juin 1927. En particulier, les contrevenants à l'article 10 du statut seront justiciables du Tribunal mixte et passibles de peines identiques à celles édictées par l'article 139 du Code pénal punissant le trafic illicite d'armes, de munitions et de matériel de guerre. Pour l'application de ce dernier article, la détention non autorisée sera punie à l'égal de l'introduction. Le Tribunal mixte pourra prononcer, contre les auteurs de ces divers délits, la peine accessoire de l'interdiction de séjour pour une durée de dix ans avec faculté de renouvellement.

2. Le bureau mixte franco-espagnol d'information, fonctionnant actuellement à Malaga, sera transféré à Tanger et chargé de signaler aux autorités compétentes de la zone tous faits intéressant la sécurité de Tanger, dans ses rapports avec celle des zones voisines et des pays étrangers.

Son chef sera espagnol et nommé par le Gouvernement royal avec l'agrément du Comité de Contrôle. Il exercera les fonctions d'Inspecteur général de la Police et de la Sécurité dans la zone de Tanger. Sans intervenir dans le fonctionnement des services de l'Administratien tangéroise, il sera le conseiller des autorités du statut pour l'application de l'article 3, paragraphe 1, de la convention du 18 décembre 1923 et de l'article 10 amendé et complété, comme il a été dit à l'article 1er du présent accord.

3. Conformément au statut de 1923, les tabors chérifiens, actuellement existants, seront dissous et remplacés par le corps de gendarmerie répondant aux caractéristiques données par l'article 47 du statut et par l'annexe portant règlement de la gendarmerie de la zone de Tanger, sous réserve, toutefois, des modifications suivantes :

L'effectif de cette force sera constitué et maintenu à 400 hommes jusqu'à ce que le désarmement de la zone internationale étant achevé, il puisse être ramené à un chiffre jugé suffisant pour assurer la sécurité et en même temps proportionné aux capacités financières de la zone.

La gendarmerie sera recrutée par moitié dans chacun des tabors actuels. L'égalité entre les éléments français et espagnols sera maintenue en cas de licenciements pour réductions d'effectifs et lors des recrutements auxquels donneront lieu les vacances.

La gendarmerie sera commandée par un major espagnol ; celui aura pour adjoint un capitaine français. Les cadres européens seront composés en proportions égales par des gradés espagnols et français. Vu le caractère international de cette unité, celle-ci pourra comprendre des gradés appartenant à d'autres nationalités.

4. Les dispositions du présent accord sont destinées à compléter celles du Statut de Tanger et auront la même durée que ce statut. Néanmoins, si des faits répétés et notoires provenant de l'application de telles dispositions venaient à démontrer qu'elles ne sont pas viables, les Gouvernements se concerteraient pour procéder à leur revision.

Il sera communiqué au Gouvernement de Sa Majesté britannique et au Gouvernement de Sa Majesté le Roi d'Italie, pour être ensuite procédé, ainsi qu'il en sera convenu, avec lesdits Gouvernements.

Fait à Paris, en double exemplaire, le 3 mars 1928.

BRIAND.
QUIÑONES DE LEÓN.

[W 2235/12/28] No. 13.

Marquess de Merry del Val to Sir Austen Chamberlain.—(*Received March* 8.)

(Translation.)

Sir, *Spanish Embassy, London, March* 6, 1928.

I HAVE the honour and satisfaction to inform your Excellency that the negotiations in progress between the Governments of His Majesty the King, my august Sovereign, and the French Republic respecting Tangier have reached a happy termination amidst the greatest cordiality.

Your Excellency may be interested to find enclosed a copy of the agreement,* signed on the 3rd instant at Paris, between M. Aristide Briand, Minister for Foreign Affairs of the French Republic, and Don José Quiñones de León, Ambassador of His Majesty in that capital.

As you are aware, the Governments of Spain, France, Great Britain and Italy agreed in November, 1926, to consider the modifications which certain of them wished to see introduced, within the limits of the treaties in force, in the Statute of Tangier. They decided that the demands of the Spanish Government should form the subject of preliminary conversations between that Government and the Government of the French Republic; that if these conversations produced any result the two Governments should invite the Governments of Great Britain and Italy to associate themselves therein; that this meeting of the four Powers, after discussing the Franco-Spanish proposals, should examine the conditions under which the Government of Italy would be disposed to accede to the Statute and, finally, that the proposals which were common to the four Governments should be immediately submitted, through the diplomatic channel, to the other interested Powers.

In conformity with the procedure adopted in November, 1926, the Governments of Spain and the French Republic invite His Britannic Majesty's Government and t h Government of His Majesty the King of Italy to take part in the conversations, the character and object of which are defined in my present communication.

The Governments of Spain and France have the honour to propose that the said conversations, which would have as their object an agreement between the four

* Not printed.

Governments specified, should take place in the second fortnight of March, say from Thursday the 15th, between the Minister for Foreign Affairs of the French Republic and the Ambassadors of Spain, Great Britain and Italy accredited in the said capital. It is desirable that each of the heads of delegation should be assisted by a technical delegate sent by the competent department of the respective Government.

I should be greatly obliged if your Excellency would be good enough to inform me as soon as possible whether you concur in the procedure which I have just proposed and the place and date indicated.

I have, &c.
MERRY DEL VAL.

[W 2181/12/28] No. 14.

*Sir Austen Chamberlain to M. de Fleuriau.**

Foreign Office, March 10, 1928.

Your Excellency,

I HAVE the honour to thank your Excellency for your note of the 6th March, enclosed in which you were so good as to communicate to me the text of the agreement happily concluded in Paris as a result of the Franco-Spanish discussions relating to the Tangier statute, and in which you conveyed an invitation from your Government to that of His Majesty in Great Britain to join, together with the Government of Italy, on or soon after the 15th March, in the conversations between the four Powers which it was agreed should be held on the conclusion of the Franco-Spanish discussions with the object of examining the conditions on which the Italian Government might be disposed to accede to the Tangier Convention.

2. His Majesty's Government desire to offer their congratulations to the French and Spanish Governments on the successful issue of their deliberations, and they accept with pleasure the invitation to open the four-Power conversations on the date and in the manner suggested.

I have, &c.
AUSTEN CHAMBERLAIN.

(b.) Position of American and Italian Nationals.

[W 318/158/28] No. 15.

Mr. Gurney to Sir Austen Chamberlain.—(*Received January* 12.)

(No. 5.)

Sir,

Tangier, January 5, 1928.

I HAD the honour to address a telegram to you to-day, No. 1, in regard to a somewhat difficult situation which has arisen in connexion with the position of Italian nationals at Tangier.

2. As you are aware, one of the measures enacted at the end of last year in order to increase the revenue provided for the extension of the "droits de portes" so as to render them applicable to goods entering Tangier by sea as well as to those arriving by land. In order to avoid possible difficulties with the Italians, who can, of course, not be legally compelled to pay any new taxes or duties imposed by the International Administration, which they have not recognised, it was arranged, as the result of informal negotiations, in which I participated, between Mr. Dicken, the Director of Finance, and M. Bastianini, the Italian diplomatic agent, that the law, which came into force on the 1st January, should be communicated to him and also to the United States representative through the Mendoub, whom they both recognise as the representative of the Sultan, and that M. Bastianini should ask his Government to consent to the law being made applicable to Italian nationals in the same way as similar laws enacted in the French and Spanish zones are enforced on British subjects, that is to say, by the issue of King's Regulations. It was further agreed that, pending the receipt of a reply, the tax should be collected from Italians at the old rate on goods arriving by land, whilst goods arriving by sea should be exempt if declared for the personal consumption of Italians—an expression to which a wide interpretation would be given.

* Also to Marqués de Merry del Val.

3. Legislation was also enacted on the last day of the year, to come into force on the 1st January, increasing the consumption duties on alcohol, tea and coffee, but it was—perhaps unfortunately, and certainly erroneously—assumed that no objection would be raised to the payment of such increased duties by Italians in view of the fact that they had hitherto paid the duties of the old rate. As soon, however, as the Customs began to demand payment by Italians of the increased duties, M. Bastianini made a vigorous protest, and he applied to me yesterday for assistance, representing that, unless the goods in question, which were then detained at the custom-house, were immediately released, he would feel compelled to send his own national police to fetch them away, if necessary by force.

4. Whilst admitting that such taxes could not legally be enforced on Italians without the consent of their Government, I begged him to refrain from any such drastic action as he threatened, and he agreed to do so on the understanding that I would try to arrange matters with the authorities. I accordingly at once approached M. Alberge, but I found that both he and M. de Witasse, the French consul-general, adopted a very uncompromising attitude and were disinclined to meet the Italians in the matter, whilst M. Bastianini seemed equally determined to maintain his claim to exemption and insisted on the immediate release of the goods in question, which consisted largely of Italian vermouth.

5. I arranged, however, for a meeting here this morning between M. de Witasse, M. Alberge, Mr. Dicken and myself, when, after some discussion had taken place between us, we were joined by M. Bastianini, who had asked to see me and agreed to meet my other visitors. M. Bastianini then stated that, if the new regulations were communicated to him through the Mendoub, as had been done in the case of the law in regard to the "droits de portes," he would immediately recommend to his Government that he should be authorised to insist upon the payment by Italians of the new scale of duties. He asked, however, that M. de Witasse and I should request our Governments to instruct their representatives at Rome to support his representations, as he alleged had been done in August 1925, when the "droits de consommation" were first introduced. To this we readily agreed, although I have not been able to find any trace in my archives of such representations having been made in 1925.

6. M. Bastianini went on to ask that, pending the receipt of a reply from his Government, which he hoped would reach him very shortly, goods entering Tangier consigned to Italians should not be required to pay more than the old rate of duty. It was pointed out to M. Bastianini that it would be very difficult to allow Italians to pay less than other nationals, and it was suggested that they should pay the full duty under protest and on the understanding that the sums should be refunded if the Italian Government refused to make the tax applicable to Italians. He objected to this course, however, and suggested instead that the difference between the two rates should be placed to a debit account to be opened against each Italian importer on the understanding that if and when the Italian Government issued the necessary instructions he would require the importers to pay the difference in question. After some demur, the administrator accepted this solution, stating that he proposed to save his face as regards importers of other nationalities by placing the sums paid by them in excess of the old rate to a suspense account with a view to their refund if the Italians failed to come into line.

7. At the same time M. Bastianini undertook that, if the administrator had any cause to suspect that Italians were abusing the arrangement by declaring in their own names goods imported by persons of other nationalities, he would at once intervene in order to prevent such practices. In view of the Fascist discipline which he appears already to have established amongst his colony here, it seems probable that his intervention would be effective.

8. We all agreed that the solution thus arrived at was a fair one and that M. Bastianini had shown a very conciliatory disposition. My French colleague was particularly impressed by the attitude of M. Bastianini, whom he had hitherto been inclined to mistrust.

9. We also agreed that the new regulations should be similarly communicated to the United States diplomatic agent, as had been done in the case of the "droits de portes," and also that the Spanish consul-general should be asked to associate himself with us as regards the proposed *démarche* at Rome. M. Pla readily consented to do so, and I have sent him a copy of my telegram above mentioned, in the terms of which M. de Witasse had previously concurred, stating that he would telegraph in a similar sense.

10. As a subsidiary point, I may mention that in the course of my negotiations with M. Alberge and M. de Witasse a divergence of views between us became manifest as to the legal position as regards the "droits de consommation." They both maintained that, although Italian nationals might claim exemption from such duties as regards goods destined for their personal consumption, they could properly be required to pay the duties on goods imported for commercial purposes. I pointed out, on the other hand, that His Majesty's Government held a different view, and that in their negotiations with the authorities of the French and Spanish zones they had consistently ignored any such distinction and maintained that British subjects could not properly be required to pay such duties on goods imported by them irrespective of the purpose for which they were intended, unless such duties were rendered applicable to them by King's Regulations. The Italians enjoyed at Tangier a position similar to that of British subjects in the other zones, and they had consequently a perfect right to claim similar treatment as regards taxation imposed by the International Administration.

11. Fortunately, it was found possible to avoid raising this particular point in our conversation with M. Bastianini.

I have, &c.
HUGH GURNEY.

[W 784/158/28] No. 16.

Sir R. Graham to Sir Austen Chamberlain.—(*Received January* 30.)

(No. 78.)

Sir, *Rome, January* 27, 1928.

IN accordance with the instructions contained in your telegram No. 4 of the 24th instant, I called upon the Under-Secretary of State for Foreign Affairs this evening, in order to press a reconsideration of the Italian refusal to consent to their nationals at Tangier being subjected to the increased consumption duties.

2. My impression that the Italian Government were under no misapprehension on the subject was confirmed, and my arguments met with small success. Finally, I said to Signor Grandi that the long and the short of it was that the Italian Government had no intention of agreeing to anything whatever in connexion with Tangier until they had received satisfaction as regards their general position. In view of the fact that Italian claims already had British and, I believed, French sympathy, this line of policy appeared to me unnecessary and scarcely likely to attain the results desired. Signor Grandi smiled, and said that I had more or less correctly described the situation. A fresh refusal had been, or was just going to be, addressed to the French Government, but, in view of the special relations between His Majesty's Government and the Italian Government, he thought that if the former felt strongly on the subject, and really desired to press it, Signor Mussolini might be prepared to reconsider his attitude. Signor Grandi added that he would again approach his Excellency in the matter in the light of the fresh representations I had made to him.

3. My Spanish colleague, who read the Italian attitude in the same light as myself, will also address a representation to the Italian Government on the same lines.

I have, &c.
R. GRAHAM.

[W 1395/158/28] No. 17.

Mr. Gurney to Sir Austen Chamberlain.—(*Received February* 16.)

(No. 20.)

Sir, *Tangier, February* 6, 1928.

I HAVE the honour to acknowledge the receipt of your despatch No. 16 of the 25th ultimo enclosing copies of correspondence with His Majesty's Ambassador at Rome in regard to the attitude of the Italian Government towards the question of the application to Italian citizens of the increased consumption duties which recently came into force in the Tangier zone.

2. I discussed the matter this morning with my Italian colleague, who happened to be with me when your despatch came into my hands. Whilst recognising the orce of the arguments which you instructed Sir R. Graham to put forward, M. Bastianini admitted that his Government appeared to be influenced by the consideration that by agreeing to the proposal in question they would be sacrificing a lever of great value in their negotiations for their accession to the Tangier Convention.

3. Whilst regretting therefore that I was misled by the attitude of M. Bastianini into thinking that the Italian Government would not oppose the proposal in question, I fear that it is useless to pursue the matter further, at any rate at the present moment.

4. Mr. Dicken, the Director of Finance, is proposing to the Administrator that, in view of this attitude on the part of the Italian Government, the Assembly should be asked to suspend the enforcement of the regulations in regard both to the increased consumption duties and the "droits de portes," since nationals of other countries cannot reasonably be asked to pay taxes from which Italian citizens will be exempt. He hopes to make good the consequent loss to the Treasury by economies in other directions.

I have, &c.
HUGH GURNEY.

[W 1398/158/28] No. 18.

Mr. Gurney to Sir Austen Chamberlain.—(*Received February* 16.)

(No. 24.)

Sir, *Tangier, February* 10, 1928.

WITH reference to my telegram No. 3 of to-day's date, I have the honour to report that my American colleague came to see me and informed me that in reply to a communication which he had addressed to his Government in regard to the "droits de portes," he had been informed that they had no objection to the application of the duties in question to American "ressortissants" provided they were similarly applied to the nationals of all countries. In reply to my enquiry he said that he had received no answer in regard to the question of the "droits de consommation," but he presumed they would adopt a similar attitude in this matter.

2. He went on to say that his Government had told him at the same time that all communications between him and the International Administration should pass through the French Resident-General at Rabat in his capacity as Minister for Foreign Affairs, since, under treaty provisions, he is the sole recognised channel for such communications, and that he should not enter into direct correspondence with any local authorities. He himself, however, was loth to employ this method as he felt that it would reinforce the French position here, and implied that they could exercise a power of veto over measures enacted by the Assembly which the International Administration might desire to submit for the acceptance of the American Government. It was for this reason that he had come to me with a request that I would inform Mr. Dicken, the Director of Finance, of the attitude of his Government in regard to the "droits de portes." I said that I would do so and would make a similar communication to the Committee of Control in my capacity as president of that body.

3. I told him at the same time that the matter was for the moment in abeyance as the Italian Government had refused their consent to the application of the measures in question to Italian nationals.

I have, &c.
HUGH GURNEY.

[W 1916/158/28] No. 19.

Mr. Gurney to Sir Austen Chamberlain.—(*Received March* 1.)

(No. 31.)

Sir, *Tangier, February* 21, 1928.

WITH reference to my despatch No. 20 of the 6th instant, I have the honour to report that the Legislative Assembly has agreed to suspend the operation of the new regulations in regard both to the "taxe de consommation" and the "droits de port."

2. In submitting this proposal to the Assembly, it was not found necessary to allude to the attitude of Italy; the measure could be justified by the fact that the money which the increased taxes were calculated to produce is no longer immediately needed, owing to the fact that a full year's interest will not now be payable on the port loan as it has not yet been issued, and that the total amount ear-marked for the gendarmerie will also not be required during the present financial year.

3. It is nevertheless to be hoped that the Italian Government will agree to the proposal supported by His Majesty's Government and the French and Spanish Governments, since it will be difficult to carry on the financial administration of the zone if there is any prolonged delay in the accession of Italy to the statute, and it is not possible to enforce on Italian nationals the payment of such new taxes as will have to be voted.

I have, &c.
HUGH GURNEY.

[W 10788/12/28] No. 20.

Mr. Gurney to Lord Cushendun.—(*Received November* 14.)

(No. 141.)

My Lord, *Tangier, November* 7, 1928.

NOW that the United States is the only interested Power which has not adhered to the Tangier Statute, the question of the position of American *ressortissants* has assumed some importance from the fiscal point of view.

2. As you are aware, so long as Italian citizens were not amenable to the laws enacted by the International Administration, it was found in practice impossible to impose additional taxation, either direct or indirect. Certain legislation passed by the Assembly has had, indeed, to be suspended on this account. I had hoped and believed that this difficulty would disappear on the adhesion of Italy to the statute, and that it need not be anticipated that the small number of American *ressortissants* who would still not be amenable to Tangier legislation would be in a position to hinder the application of future fiscal measures. It would, I thought, be quite sufficient if we arranged for the application of these measures to such *ressortissants* as and when they were enacted, by means of a friendly arrangement with the American diplomatic agent and consul-general.

3. I now find that Mr. Dicken is not of this opinion, and that he foresees serious difficulties if an attempt is made to enforce any laws increasing existing or introducing new taxation without obtaining a previous assurance that they will be applicable to American *ressortissants*. It is true that these are few in number, but Mr. Dicken fears that, besides themselves taking advantage of their immunity, they would use it to cover the transactions of nationals of adhering Powers to the detriment not only of the Treasury but also of their competitors.

4. My optimism had been largely based on the repeated assurances of Mr. Blake, my American colleague, that he would be ready, if approached through the official channel, to seek authority from his Government to render all such fiscal enactments applicable to his *ressortissants*, and that he would meanwhile see to it that they did not take advantage of their favoured position. Mr. Dicken places less reliance on these assurances, to which, I must admit, Mr. Blake would find it difficult to give effect, and he is anxious that the matter should be placed forthwith on a sounder basis.

5. As a first step in this direction he recently asked me to endeavour to get Mr. Blake to agree to apply to his *ressortissants* a law which he proposed to introduce, and which, based on the practice prevailing in Great Britain, is intended to ensure that proposed increases in the consumption duties shall become applicable from the moment of the introduction of the necessary Bills, subject only to their subsequent approval by the Legislature. I enclose copy of this Bill, which was passed by the Legislative Assembly in first reading at its last sitting.

6. Before bringing the matter before the Committee of Control, I approached Mr. Blake direct with a view to ascertaining his attitude towards such a proposal, and, if possible, to induce him to take up the matter unofficially with his Government forthwith. He told me that he would be happy to approach his Government if the matter were brought before him through the Resident-General of the French Protectorate, who, as the Minister for Foreign Affairs of the Sultan, represented the only official channel which he could recognise for communications between the

International Administration and himself. He had, he said, received explicit instructions from his Government to insist on strict compliance with this formality, so long as the Administration was not officially recognised by them, and he could not raise the question, even unofficially, unless he were so approached.

7. I accordingly obtained the necessary authority from the Committee of Control, and I enclose herein copy of the letter which I addressed to M. Steeg on the subject in my capacity as president of the Committee of Control. I have sent a copy of the letter privately to Mr. Blake, and have asked him to request his Government to send a telegraphic reply when the matter is laid before them.

8. It is indeed one of considerable urgency, since Mr. Dicken does not see his way to introduce the Bills which he has in preparation for the increase of the existing consumption duties unless and until he is assured that such increases will be applicable to American *ressortissants*, and these increases are necessary to balance the budget.

9. In informing your Lordship of this procedure, I have the honour to enquire whether it would be possible for representations to be made to the United States Government through His Majesty's Ambassador at Washington in support of this application.

10. It is not, of course, desired in any way to force the hands of the United States Government, or to prejudice the capitulatory rights of American citizens resident in the Tangier Zone. These rights are fully recognised by the International Administration, but it is hoped that, whilst maintaining them, the United States Government may be disposed to apply to their *ressortissants* the enactments of the International Assembly, as approved by the Committee of Control, in the same way as that Government, as well as His Majesty's Government, apply to their *ressortissants* the enactments of the administration of the French Zone, if and when they are laid before them.

11. Mr. Dicken goes so far as to hope that the United States Government may be disposed to delegate to their diplomatic agent the power to take the necessary action in the case of future legislation at his own discretion, and without applying for the consent of his Government in each case. This would, of course, be very desirable from the point of view of the Administration, and would greatly facilitate matters.

12. I may add that the question was raised in the Committee of Control as to whether it would be desirable for all the Governments concerned to approach the United States Government in the matter instead of dealing with it through the Resident-General. It was realised that this procedure would be unnecessarily dilatory and cumbrous, but it was suggested by my French colleague that I should communicate with His Majesty's Government on the subject and request them to support this application at Washington.

13. So far as I am aware no correspondence has passed between His Majesty's Government and the United States Government in regard to the question of the latter's recognition of the Tangier Statute since 1925, when the negotiations broke down in consequence of the attitude of the Spanish Government in regard to the question of responsibility for the acts of the International Administration.

I have, &c.
HUGH GURNEY.

P.S.—Since writing the above, Mr. Dicken has informed me that he has discussed the matter personally with Mr. Blake. The latter expressed considerable doubt as to whether his Government would be prepared to adopt the present proposal for fear lest it might prejudice their position in the French Zone, to which they cling very tenaciously, but he was prepared to submit it to them and support it with arguments which Mr. Dicken laid before him. He suggested, however, that, whilst waiting for their reply, the Administration should seriously consider an alternative method of avoiding the inconvenience which the law in question is designed to obviate. Mr. Dicken will act on this suggestion, but it is not easy to find a solution of the difficulty, which is greater here than in the French Zone, in view of the inevitable delay involved between the presentation and the enactment of fiscal measures which require the approval not only of the Legislative Assembly, but also of the Committee of Control.

H. G.

Enclosure 1 in No. 20.

Projet de Loi.

ARTICLE 1er.

TOUT projet de loi présenté par l'Administration et tendant à un relèvement des droits de consommation sera mis en application immédiate.

L'Administration prendra les mesures nécessaires pour que les nouveaux tarifs soient affichés en douane, dès le lendemain du dépôt du projet de loi au bureau de l'Assemblée, et à partir de cet affichage les nouveaux droits seront applicables à titre provisoire.

ARTICLE 2.

Les marchandises surtaxées conserveront, toutefois, le bénéfice de l'ancien tarif, lorsqu'il sera justifié qu'à une date antérieure audit affichage, elles ont été expédiées directement par voie de mer à destination de Tanger.

ARTICLE 3.

Le supplément de taxe provisoirement perçu et consigné à la douane ne sera définitivement acquis au Trésor qu'après le vote de la loi.

Si le projet de l'Administration est retiré ou rejeté par l'Assemblée, ou adopté seulement en partie, la différence entre le droit perçu et celui qui sera légalement maintenu ou établi devra être remboursée aux déclarants.

Enclosure 2 in No. 20.

Mr. Gurney to M. Steeg.

M. le Résident général, *Rabat, le 3 novembre* 1928.

J'AI l'honneur de vous faire connaître que l'Administration de cette zone m'a prié, en ma qualité de président du Comité de Contrôle, de proposer à M. l'agent diplomatique des États-Unis l'application aux ressortissants américains de Tanger d'une nouvelle loi, d'intérêt général, dite "Loi du Cadenas."

Mr. Blake m'a déclaré qu'il était prêt à demander à son Gouvernement l'autorisation d'étendre à ses ressortissants le régime institué par ce texte législatif, s'il était régulièrement saisi de cette question par le Ministre des Affaires étrangères de Sa Majesté chérifienne.

Mes collègues du Comité de Contrôle, à qui j'ai fait part, au cours de notre dernière séance, des dispositions du représentant de l'Amérique, m'ont donné le mandat de vous en référer.

Dans ces conditions, j'ai l'honneur de vous communiquer en annexe le texte dont il s'agit, qui vient d'ailleurs d'être voté par l'Assemblée législative, en vous priant de bien vouloir demander à Mr. Blake d'en étendre les effets aux citoyens et protégés américains de la Zone de Tanger soumis à sa juridiction, dès la promulgation de la nouvelle loi.

M. l'agent diplomatique des États-Unis d'Amérique apprécierait sans doute l'intérêt, pour le développement de Tanger et pour un juste équilibre entre les colonies qui y résident, de généraliser l'application d'une mesure destinée à empêcher les abus de la spéculation.

Il va de soi que les projets de loi visés par cette loi seraient également communiqués à Mr. Blake par votre entremise, et que les suppléments de taxe provisoirement perçus sur les produits importés par des ressortissants américains ne seraient définitivement acquis au Trésor qu'après que ces lois auront été rendues applicables à ces ressortissants.

Veuillez, &c.

[W 10788/12/28]

No. 21.

Lord Cushendun to Sir E. Howard (Washington).

(No. 1657.)

Sir, *Foreign Office, November* 23, 1928.

I TRANSMIT to your Excellency herewith a copy of a despatch from His Majesty's consul-general at Tangier regarding the position of American nationals at Tangier.*

2. You will observe that the International Administration is anxious to secure the consent of the United States Government to the application to American nationals of any legislative measures which may be passed increasing existing or introducing new taxation. In particular, it desires to secure such consent in respect of a measure relating to the consumption duties, the early introduction of which is considered to be important.

3. You will note that the American diplomatic agent at Tangier has undertaken to approach his Government in the matter, as soon as he has received an official request to that effect from the Resident-General of the French Protectorate, and that M. Steeg has accordingly been invited to make the necessary communication to Mr. Blake, who will presumably therefore refer the matter to his Government in the near future.

4. I shall be glad if you will inform the Secretary of State that His Majesty's Government have learned of the request which is being made to them, and that they earnestly hope that the United States Government will see their way to comply with it. After explaining that so long as Italy was not a party to the international régime it was found impracticable to introduce additional taxation, you should refer to the awkward situation which would arise, as foreseen by the Director of Finance, if, now that Italy has acceded to the statute, the fiscal measures which are to be introduced were not applicable to American nationals. These measures, you will point out, will be such only as are necessary to ensure the proper administration of the zone and place its finances on the sound basis which it has not hitherto been possible to attain. Finally, you should emphasise that the United States Government are in no way being asked to surrender any of the rights which they enjoy in Tangier, and which are fully recognised by the International Administration. They would remain in undisputed possession of those rights, just as they and His Majesty's Government remain in possession of their capitulatory rights in the French zone, although, out of international courtesy and in the interests of the successful administration of the zone, they in practice make the protectorate laws applicable to their nationals. It would, of course, always be open to the United States Government to withhold their consent in any particular instance where they considered that their interests might otherwise be prejudiced.

5. You will note that in paragraph 11 of his despatch Mr. Gurney indicates that it would be desirable were the United States Government to agree to delegate to their representative at Tangier the power of making future legislation applicable to American nationals, without requiring him to refer to Washington for authority in each case. I am not sure whether, in view of the postscript to the despatch, it would be expedient to put forward such a request at the present time, and I leave this point to your discretion.

6. His Majesty's Ambassadors in Rome and Madrid and His Majesty's Minister in Paris are being instructed to inform the Governments to which they are accredited of the action which I have taken in this matter, and to suggest that similar instructions should be sent to the French, Italian and Spanish Ambassadors at Washington. You should therefore inform your French, Italian and Spanish colleagues of the representations which you are making to the United States Government, though you need not wait for them to join you.

I am, &c.

CUSHENDUN.

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* No. 20.

[W 10788/12/28] No. 22.

*Lord Cushendun to Mr. Henderson (Paris).**

(No. 2615.)

Sir, *Foreign Office, November* 23, 1928.

I TRANSMIT to you a copy of a despatch from His Majesty's consul-general at Tangier regarding the position of American nationals at Tangier,† in which he reports that the American diplomatic agent at Tangier is being invited to request his Government to agree to the application to American nationals of a Bill relating to the consumption duties, which it is desired to introduce as soon as possible.

2. In accordance with Mr. Gurney's suggestion, I have instructed His Majesty's Ambassador at Washington to make representations to the United States Government in support of this request. A copy of the despatch addressed to Sir Esme Howard for this purpose is enclosed,‡ and I shall be glad if you will invite the French Government to send similar instructions to the French Ambassador at Washington.

3. Similar instructions have been sent to His Majesty's Ambassadors at Rome and Madrid.

I am, &c.
CUSHENDUN.

[W 11551/12/28] No. 23.

Mr. Gurney to Sir Austen Chamberlain.—(Received December 6.)

(No. 149.)

Sir, *Tangier, November* 29, 1928.

WITH reference to my despatch No. 141 of the 7th instant, I have the honour to report that Mr. Dicken has come to the conclusion on reflection that it would be preferable after all not to defer the introduction of the measures which he had in view for the increase of consumption duties, &c., until after the law, of which a copy was enclosed in my despatch, had been enacted and rendered applicable to American *ressortissants*. He was influenced by the consideration that some delay must occur before a reply can be received from the United States Government, and that it is doubtful whether the reply when received will be favourable, whilst it is essential that provision should be made for increased taxation without undue loss of time.

2. He has accordingly prepared draft laws providing for an increase of the consumption duties on tea, coffee, sugar, alcohol and beer, and reimposing the increased gate tax which had to be abandoned at the beginning of this year owing to the attitude of the Italian Government.

3. These drafts were communicated to me as president of the Committee of Control by the Administrator (by arrangement with me), with the suggestion that we should ask the Resident-General of the French Zone to communicate them to the United States Government and request that they should be made applicable to American *ressortissants* if and when they were passed by the Assembly.

4. I have the honour to transmit herewith copy of the letter which I have addressed to M. Steeg in accordance with this suggestion. I am communicating a copy privately to my American colleague in order, if possible, to accelerate matters.

5. It would, I venture to think, be a great advantage if the United States Government could be approached at the same time by His Majesty's Ambassador at Washington.

I have, &c.
HUGH GURNEY.

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* Also to His Majesty's representatives at Rome (No. 1386) and Madrid (No. 563), *mutatis mutandis*.
† No. 20. ‡ No. 21.

Enclosure 1 in No. 23.

Mr. Gurney to M. Steeg.

M. le Résident général, *Rabat, le* 27 *novembre* 1928.

COMME suite à ma lettre en date du 3 novembre, j'ai l'honneur de vous transmettre ci-joint le texte de certains projets de loi concernant les droits de consommation et de portes dont l'Assemblée législative internationale sera saisie prochainement.

Je suis chargé par le Comité de Contrôle de vous prier de bien vouloir communiquer ces textes à M. l'agent diplomatique des États-Unis à Tanger en lui demandant d'en saisir son Gouvernement, dans l'espoir que celui-ci autorisera l'application de ces lois à ses ressortissants dans le cas où elles seraient votées par l'Assemblée et approuvées par le Comité de Contrôle.

Veuillez agréer, &c.
HUGH GURNEY.

Enclosure 2 in No. 23.

Loi portant Modification au Dahir du 15 *Mai* 1925 *fixant la Taxe et déterminant le Régime des Alcools et des Bières dans la Zone de Tanger.*

Article unique. L'article 1er du dahir du 15 mai 1925 fixant la taxe et déterminant le régime des alcools et des bières dans la Zone de Tanger, est modifié comme suit :

L'alcool est passible d'un droit de consommation de 750 fr. par hectolitre d'alcool pur.

Enclosure 3 in No. 23.

Loi portant Modification aux Dispositions du Dahir du 15 *Mai* 1925 *instituant des Droits de Consommation sur les Sucres, Produits édulcorants, Denrées coloniales et Bougies.*

Article unique. Le tarif des droits de consommation prévu par le dahir du 15 mai 1925 instituant des droits de consommation sur les sucres, produits édulcorants, denrées coloniales et bougies, est modifié comme suit en ce qui concerne le sucre :

Sucre . . . . 75 fr. les 100 kilog.

Enclosure 4 in No. 23.

Loi abrogeant celle du 25 *Février* 1928 *portant Suspension de la Loi du* 31 *Décembre* 1927, *relevant la Taxe de Consommation sur le Thé et le Café.*

Article unique. La loi du 31 décembre 1927 relevant la taxe de consommation sur le thé et le café sera mise en vigueur à partir de la date de promulgation de la présente loi.

Enclosure 5 in No. 23.

Loi abrogeant la Loi du 25 *Février* 1928 *portant Suspension de l'Application du Règlement sur la Perception des Droits de Portes du* 5 *Novembre* 1927.

Article unique. Le règlement sur la perception des droits de portes du 5 novembre 1927 sera remis en vigueur à partir du 1er janvier 1929.

La perception des droits sera faite en régie directe.

[W 11816/10921/28] No. 24.

Mr. Gurney to Sir Austen Chamberlain.—(Received December 14.)

(No. 153.)

Sir, *Tangier, December* 7, 1928.

WITH reference to Lord Cushendun's despatch No. 288 of the 21st ultimo, I have the honour to report that, on the conclusion of the arrangement for the revision of holdings of habous properties, I communicated its text to my American and Italian colleagues, in the hope that they might see their way, if not to adhere to the arrangement, at any rate to adopt a similar procedure in the revision of properties held by American and Italian *ressortissants*.

2. M. de Facendis told me shortly afterwards that he had received a telegram from his Government to the effect that they would be glad if the operation of the agreement could be postponed until the new protocol comes into force, in order that Italy might take part in the proposed revision. It was, he said, difficult for them to adhere meanwhile to the agreement as it stood, being made, as it was, by the Committee of Control with the Mendoub. I explained to him that the agreement had already been signed, and I hoped that the commission would shortly begin its work. But I said that I would try to arrange that no decisions should be finally adopted until after the protocol came into force, and I hoped that if I could do this he would be prepared to appoint a delegate to sit on the commission forthwith.

3. M. de Facendis, whilst agreeing to this proposal, said that, although he was prepared to appoint a delegate, he would be glad that no allusion would be made to this fact in official documents.

4. After obtaining the necessary authority from my colleagues, I accordingly effected an arrangement with the Mendoub on these lines by an exchange of letters, of which I enclose copies herein.

I have, &c.
HUGH GURNEY.

Enclosure 1 in No. 24.

Mr. Gurney to M. Tazi.

Comité de Contrôle,

Excellence, *Tanger, le* 28 *novembre* 1928.

AYANT communiqué à M. le consul général d'Italie l'accord que j'ai signé avec votre Excellence à la date du 29 octobre au sujet de la revision des détentions des biens habous, j'ai appris de M. de Facendis que son Gouvernement se rallierait volontiers à l'adoption de la même procédure en ce qui concerne les biens habous détenus par ses ressortissants. Toutefois, son adhésion au Statut de Tanger n'étant pas encore devenue opérante, il le trouve difficile d'adhérer formellement pour le moment à cet accord. Afin, donc, de faciliter la coopération de l'Italie à cette épuration, dont l'intérêt n'échappera pas à votre Excellence, je me permets de proposer, de la part du Comité de Contrôle, que nous convenions que la commission procède dès maintenant au travail préliminaire prévu par notre accord, mais qu'aucun règlement ne sera définitivement adopté jusqu'à ce que le Protocole de Paris du 17 juillet entre en vigueur et que l'Italie soit en mesure d'adhérer à l'accord.

Je proposerais en même temps que le délai prescrit par l'article 1er pour la revision soit porté au 31 janvier 1929.

Si votre Excellence approuve ces propositions, cette lettre et la réponse que votre Excellence voudra bien m'adresser pourraient servir à constater notre entente, dont je donnerai connaissance à M. de Facendis.

(Compliments d'usage.)

Le Consul général de Grande-Bretagne,
Président.

Enclosure 2 in No. 24.

M. Tazi to Mr. Gurney.

(Traduction.)

(Compliments d'usage.)

J'AI bien reçu votre lettre du 28 novembre dernier, dans laquelle vous avez bien voulu me faire connaître que vous aviez communiqué à M. le consul général d'Italie notre accord au sujet de la revision des détentions habous à Tanger, ainsi que la réponse de M. de Facendis.

En réponse à cette communication, j'ai l'honneur de porter à votre connaissance que je donne mon accord aux propositions que vous avez bien voulu me présenter au nom du Comité de Contrôle.

(Salutations.)

MAHAMMED TAZI.

Tanger, le 22 *djoumada II* 1347
(6 *décembre* 1928).

[W 11551/12/28] No. 25.

*Sir Austen Chamberlain to Sir W. Tyrrell (Paris).**

(No. 2847.)

Sir, *Foreign Office, December* 18, 1928.

WITH reference to Lord Cushendun's despatch No. 2615 of the 23rd November last, I transmit herewith copies of despatches from His Majesty's consul-general at Tangier† and to His Majesty's Ambassador at Washington,‡ regarding the early introduction of certain fiscal measures in the Tangier Zone of Morocco.

2. I shall be glad if your Excellency will inform the Government to which you are accredited of the instructions contained in paragraph 3 of the despatch to Sir E. Howard, and will invite them to instruct their representative at Washington in a similar sense. It will be unnecessary for you to enter into the explanations contained in paragraph 2, unless you think there is occasion to do so.

3. Similar instructions are being sent to His Majesty's representatives at Madrid and Rome.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 11551/12/28] No. 26.

Sir Austen Chamberlain to Sir E. Howard (Washington).

(No. 1824.)

Sir, *Foreign Office, December* 18, 1928.

I TRANSMIT herewith a copy of a despatch§ from His Majesty's consul-general at Tangier, from which your Excellency will see that the Administration consider it necessary to introduce certain new taxation without awaiting the enactment of the Bill which formed the subject of my despatch No. 1657 of the 23rd November.

2. My first impression was that this change of mind, though doubtless prompted by irresistible financial reasons, had probably destroyed all chance, such as it was, of obtaining a satisfactory response to the appeal which you will have addressed to the United States Government on the receipt of my above-mentioned despatch. On further consideration, however, I do not think that is so. The Bill already brought to their notice is for the purpose of rendering future fiscal measures effective as from the date of their introduction rather than from the date of their enactment. The measures which it is now proposed to introduce are in no sense dependent on the passage of the Bill. They will be introduced under the existing system, and will not become effective until approved by the Assembly, unless the Bill be passed in the meantime, in which case, of course, they would still only become applicable to American nationals with the consent of the United States Government. To ask them to give that consent now is therefore in no sense to anticipate their

* Also to His Majesty's representatives at Madrid (No. 610) and Rome (No. 1516), *mutatis mutandis*.
† No. 23. ‡ No. 26. § No. 23.

answer to the request already made to them in the matter of the above-mentioned Bill.

3. I request that, if you see no objection, you will inform the United States Government of the intention of the Administration to introduce the legislation in question; that you will explain to them that the Administration have been prompted by the necessity of providing for an increase of revenue at an early date; and will express the hope of His Majesty's Government, who are impressed with this necessity, that the Government of the United States will see their way to authorise their representative at Tangier to apply these measures to American nationals as soon as they become law.

4. If you think there is any risk of the State Department regarding this request as an attempt to hustle them or to anticipate their reply to your previous communication, you will doubtless make use, either orally or in writing, as may seem to you best, of the explanations contained in paragraph 2 of this despatch.

5. Instructions are being sent to His Majesty's representatives in Paris, Madrid and Rome to urge the Governments to which they are respectively accredited to issue similar instructions to your French, Spanish and Italian colleagues. It will be well, however, that you should not wait for them to act with you. The State Department will probably already have been apprised of the request addressed to the American diplomatic agent by the Resident-General, and it is desirable that you should be able to clear up any misapprehension in the event of their misinterpreting the reason or scope of the appeal.

I am, &c.
AUSTEN CHAMBERLAIN.

(c.) The Customs Difference with the Spanish Zone.

[**W 4677/12/28**] No. 27.

Mr. Gurney to Sir Austen Chamberlain.—(*Received May* 17.)

(No. 77.)

Sir, *Tangier, May* 10, 1928.

I HAVE the honour to report that the International Legislative Assembly decided at a meeting held on the 27th March to authorise the Administration to denounce the agreement concluded with the Spanish zone on the 25th July, 1926, under which 25 per cent. of the net customs receipts are payable to them as representing the amount levied on goods landed at Tangier and forwarded to that zone.

2. It will be recollected that this agreement was negotiated as a result of the imposition by the Spanish authorities of a customs cordon round the Tangier zone. The Spanish authorities maintained at that time that they were entitled to a considerably larger proportion of the customs receipts, but they were not able to produce any figures in support of their contention. The Tangier Administration, on the other hand, asserted with equal insistence that not more than 17 per cent. of the Tangier imports passed to the Spanish zone. Their calculations were based on figures supplied by the Director of Customs, who posted men at the exits from the town to make a summary return of goods passing out, and presumably destined for the Spanish zone. The returns were only approximate, as no examination was made of the goods, but they were probably sufficiently accurate, and no other figures were available. The figure of 25 per cent. of the net receipts was only accepted after somewhat lengthy negotiations.

3. There was a considerable falling off in customs receipts in 1927 as compared with 1926, and as this falling off appears to be solely due to a diversion of traffic from Tangier to ports of the Spanish zone, it is held that even if the figure of 25 per cent. was correct in 1926, it no longer represents a proper proportion between the goods retained in Tangier and those re-exported to the Spanish zone. It is pointed out in this connexion that the amount of goods transhipped in the roadstead has increased during 1927 by 3,506 tons. I enclose copy of a statement on the subject submitted to the Assembly by the Finance Commission on which their decision was based.

4. This decision was approved by the Committee of Control on the 12th April, and the necessary notification has been made to the authorities of the Spanish zone by the Administrator. The latter was authorised at the same time to negotiate a new

arrangement, but it is to be hoped that the whole question of the customs relations between all three zones will be taken up in Paris in connexion with the present negotiations, and that it will be found possible to conclude an arrangement satisfactory to all parties. I had the honour to transmit a memorandum on the subject in my despatch No. 46 of the 14th March.

5. I may recall that in the agreement in question it was provided that the product of the 2½ per cent. "taxe spéciale" was to be included in the calculation, but that the question as to whether the Spanish zone was properly entitled to the product of this tax was to be referred to the Powers for their decision. If the decision were given against the contention of the Spanish authorities, the sums paid on this account were to be reimbursed to the Tangier zone. The question came up before the Committee of Control on the 11th January last, when we decided to request the French and Spanish Governments to consider it in the course of the conversations then proceeding, as reported in my despatch No. 14 of the 25th January. I trust that the matter will not be overlooked, and that a solution satisfactory to the zone will be reached.

6. From your despatch No. 219 of the 25th April addressed to Sir H. Rumbold, it would appear that the Spanish Ambassador in London is not fully aware of the position in regard to the "taxe spéciale."

I have, &c.
HUGH GURNEY.

Enclosure in No. 27.

Statement respecting Customs Receipts.

EN 1926 les recettes d'importation du port de Tanger ont atteint 12,677,342 fr., sur lesquels il a été reversé à la zone espagnole le 25 pour cent diminué de la contribution de cette zone aux frais de gestion de la douane de Tanger.

En 1927 les recettes douanières à l'importation n'ont plus été que de 11,284,587 fr., avec 83,410 tonnes au lieu de 91,670.

La réduction paraît provenir uniquement de la déviation sur les ports de la zone espagnole d'une partie du trafic destiné à cette zone, qui naguère passait par le port de Tanger.

Ainsi, au cours de 1927 les transbordements en rade de Tanger ont augmenté de 3,506 tonnes.

Il en résulte que, si le forfait de 25 pour cent correspondait en 1925 au mouvement des marchandises entre les deux zones (et d'après les statistiques de 1923 il était déjà largement calculé), il serait actuellement hors de proportion avec la réalité.

D'autre part, l'ouverture du trafic du Tanger–Fez a entraîné l'embarquement par chemin de fer à Tanger de quantités appréciables de marchandises chères dédouanées en zone espagnole. Il en est résulté que la balance des échanges de la zone tangéroise avec le Protectorat français s'est trouvée modifiée dans un sens entièrement défavorable à Tanger. Alors que le premier semestre de 1927 avait donné lieu à une soulte de 270,000 fr. en faveur de Tanger, le second semestre n'a plus fait apparaître que 100,000 fr. en faveur de Tanger.

Ainsi, aussi bien dans ses relations avec la zone espagnole qu'avec la zone française, la zone de Tanger, par le jeu du forfait consenti en 1925, rembourse des droits de douane qu'elle n'a pas perçus.

[**W 8246/12/28**] No. 28.

Consul Bond to Lord Cushendun.—(*Received August* 31.)

(No. 115.)

My Lord, *Tangier, August* 25, 1928.

IN my telegram No. 18 of the 17th July I had the honour to report that an invitation had been received by the Tangier Administration from the authorities of the Spanish zone to begin negotiations in Tetuan for the conclusion of new customs arrangements rendered necessary as between the two zones in consequence of the denunciation of the Customs Agreement of the 25th July, 1926.

2. The first meeting was, in fact, held in Tetuan on the 2nd August between Señor Ruiz, Acting Administrator of Tangier; Mr. Dicken, Director of Finance; Señor Saavedra, Acting High Commissioner; and Señor Valverde, Director of Finance of the Spanish zone. Señor Ruiz, after preliminary remarks, left Mr. Dicken to put forward the Tangier case. I enclose a copy of the proposals which the latter then submitted.

3. It will be seen that these proposals were intended to cover the allocation of the 2½ per cent. "taxe spéciale" as well as the ordinary customs dues and consumption duties, Mr. Dicken considering it advisable, if only as a safeguard, to reiterate at the outset the claim of the Tangier Administration to the proceeds of this tax in respect of all goods imported into or passing through Tangier.

4. Another point worthy of note is the proposed inauguration of a régime of transit applicable only to goods which are declared on entry to be so in transit and are forwarded by train.

5. Taken as a whole, Mr. Dicken's proposals, with the exception of those relating to the "taxe spéciale," are based on the principle that the consumer zone should benefit by the dues and duties payable in respect of the goods consumed.

6. At the conclusion of the meeting, Señor Valverde stated that he was perfectly clear as to Mr. Dicken's proposals, and that he had no questions to ask in regard to doubtful points. He therefore proposed to study them and to refer them to his Government.

7. On the 13th instant the High Commissioner addressed a reply to the Administrator, stating that he does not recognise that the Tangier Administration is in any way qualified to discuss the question of the "taxe spéciale." For the rest he is quite ready to discuss the base of an agreement which will establish the correct amount of the dues payable to each zone.

8. Señor Ruiz replied to this on the 20th instant, stating that he had considered it necessary to define at the beginning the views of the Tangier Administration in regard to the "taxe spéciale," especially as the decision recently taken in Paris had not been communicated to it. Nevertheless, if, as Señor Ruiz was inclined to think, the question had been left in suspense, the Tangier Administration was disposed to modify its present proposals in order to bring them into harmony with whatever had been agreed upon, or else to concert with the delegates of the Spanish zone in trying to find a formula which may allow for a check being kept on merchandise passing between the two zones during the intervening period pending a definite solution of the question. Señor Ruiz concluded by expressing the wish that the conversations may now be renewed.

I have, &c.
W. L. BOND.

Enclosure in No. 28.

Projet d'Accord entre la Zone de Tanger et la Zone espagnole pour le Règlement de la Question douanière.

LES soussignés, agissant avec l'autorisation de l'Assemblée législative internationale, accordée dans sa séance en date du 27 mars 1928, et M. , ont convenu que l'Accord interzonal douanier fait à Tanger le 25 juillet 1926 ayant été résilié régulièrement suivant les dispositions du dernier alinéa de l'article 9 dudit accord, il y a lieu à un nouveau règlement de la question conformément aux clauses suivantes :

Chapitre I.—*Droits d'Importation, de Consommation et Taxe spéciale.*

(A.) *Echanges par Voie de Terre.*

(a.) *Régime de Transit.*

1. Les marchandises importées par voie d'un port d'une des deux zones et déclarées pour la consommation de l'autre au moment de leur dédouanement peuvent être admises au régime du transit si elles sont expédiées par voie de fer.

2. Les marchandises ainsi admises paieront les droits de douane et les taxes de consommation au bureau de destination et le produit en reviendra en totalité à la zone dont ressort le bureau. La taxe spéciale sera perçue et acquise à la zone d'entrée au Maroc.

3. Les marchandises expédiées en transit voyagent en wagons plombés sous le couvert d'une soumission cautionnée souscrite par la compagnie des chemins de fer, qui est déchargée par le service des douanes au bureau de destination et renvoyée au bureau d'émission. Le certificat de décharge indique la nature et la qualité, le poids ou la mesure des marchandises reconnues, ainsi que leur valeur et le montant des droits de douane et des taxes de consommation perçus.

(b.) *Échange de Marchandises provenant du Commerce libre.*

1. Il sera établi des postes de surveillance douanière en commun à la gare du Tanger–Fez et sur les routes de Rabat et de Tétouan à la sortie de la ville de Tanger.

2. Toute marchandise passant d'une zone dans l'autre sera déclarée dans lesdits bureaux et donnera lieu à la délivrance d'un laissez-passer extrait d'un registre à souche indiquant la nature de la marchandise, la qualité, le poids, le nombre ou la mesure, la valeur ainsi que le montant des taxes, l'itinéraire à suivre et la destination.

3. Ledit registre fera l'objet de dépouillements, statistiques trimestriels, qui serviront de base au règlement des droits de douane revenant à la zone où la marchandise aura été expédiée.

La taxe spéciale demeure acquise à la zone d'importation et n'est pas comprise dans le compte.

4. Sur la base de ces mêmes statistiques un règlement des droits de consommation sera également fait sous les conditions suivantes dans les cas où les tarifs ne sont pas égaux dans les deux zones :

(*a.*) Quand le tarif de la zone de destination est moins élevé que celui de la zone d'expédition, la zone de destination est créditée du montant des droits calculé d'après ses tarifs seulement;

(*b.*) Quand le tarif de la zone de destination est plus cher que celui de la zone d'expédition, la zone de destination est créditée des sommes perçues dans l'autre zone et reste libre de percevoir la différence d'après ses propres tarifs;

(*c.*) Les zones échangeront un tableau certifié de leurs tarifs de droits de consommation et signaleront avant application toutes modifications qui y seront apportées de part et d'autre. Le taux du change sera revisé mensuellement sur la moyenne du mois précédent.

Le règlement de compte des droits de douane et des taxes de consommation basé sur ces statistiques sera dressé par le service des bureaux mixtes et certifié par le chef de service et l'*interventor* espagnol à Tanger.

Le versement sera fait dans un délai de quinze jours à partir de la date de l'établissement du compte.

Les petites quantités de marchandises destinées à l'alimentation des habitants de la zone ne seront pas comprises dans les statistiques et passeront librement.

(B.) *Échanges par Voie de Mer.*

1. Les marchandises étrangères échangées par voie de mer entre les deux zones sont expédiées soit en transbordement, soit en cabotage.

2. En cas de transbordement, le port où la marchandise est transbordée perçoit la taxe spéciale et délivre le titre de mouvement pour accompagner la marchandise, et les droits d'importation et de consommation sont perçus au port de destination.

3. Les marchandises étrangères prises dans le commerce libre et expédiées par mer d'une zone dans l'autre voyagent sous le régime de cabotage.

Dans ce cas, le bureau d'expédition délivre un passavant sur lequel il liquide les droits de douane, d'importation et de consommation en vue de leur restitution ultérieure à la zone de destination.

La taxe spéciale n'est pas comprise. Les mêmes règles que celles qui régissent les échanges par voie de terre seront suivies pour la liquidation des droits de consommation (voir chapitre I, section (a), paragraphe 3).

4. Ces passavants seront recueillis par la douane de la zone de destination.

A la fin de chaque trimestre, un bordereau récapitulatif sera envoyé au bureau d'émission. Ce dernier en accusera réception dans les quinze jours et fera les observations qu'il jugera opportunes. Après accord, il sera procédé à la balance des comptes et la zone débitrice versera le solde dû dans un délai de quinze jours.

(C.) *Dispositions générales.*

1. La liquidation de tous les comptes sera établie en francs marocains.

2. Dans les opérations ci-dessus visées, il ne sera nullement tenu compte des droits afférents aux tabacs, qui seront partagés dans les conditions prescrites par l'article 35 de la Convention de Paris du 18 décembre 1923.

3. Les produits et marchandises d'origine marocaine, n'étant pas susceptibles d'être frappés de droits de douane dans l'intérieur du Maroc, sont exclus du présent accord.

4. Sont considérés comme d'origine marocaine :

(*a.*) Les produits naturels obtenus ou récoltés sur le territoire de l'Empire ;

(*b.*) Les produits fabriqués sur le territoire avec les matières d'origine marocaine ou dans lesquels les matières étrangères entrent pour moins de 50 pour cent de la valeur totale ;

(*c.*) Les produits fabriqués avec des matières d'origine étrangère qui ont subi une transformation complète, leur ayant fait perdre leur individualité d'origine (fils convertis en tissus ou tapis, bois en meubles, &c.) ;

(*d.*) Les produits étrangers qui, n'ayant subi qu'un complément de main-d'œuvre ou une transformation incomplète, ont acquis, néanmoins, une valeur totale supérieure de 50 pour cent à celle qu'ils avaient dans l'état où ils ont été importés (tissus façonnés, brodés, confectionnés, &c.) ;

(*e.*) Lorsque les conditions spécifiées à (*c*) et (*d*) ne sont pas remplies, les marchandises sont considérées comme d'origine étrangère. (Il en est notamment ainsi pour les boîtes en fer blanc simplement serties au Maroc, les bois étrangers simplement rabotés, sciés ou découpés, les caisses importées en pièces de dimension et simplement assemblées, les fils et tissus simplement blanchis ou teints, &c.)

5. L'origine marocaine, définie au chapitre I (*c*), paragraphe 4, est simplement constatée par le service pour les marchandises pour lesquelles elle est évidente, ou établie par des marques de fabriques marocaines connues, ou par un certificat d'origine.

Chapitre II.—*Droits d'Exportation.*

Article . Les droits d'exportation afférents aux marchandises et produits marocains expédiés directement d'une zone par le port de la zone voisine reviennent à la zone où la marchandise a été produite ou fabriquée.

Si l'origine n'est pas suffisamment justifiée, les droits reviennent à la zone par laquelle les marchandises sont exportées.

Fait à Tanger, le .

[**W 9571/12/28**]

No. 29.

Mr. Gurney to Lord Cushendun.—(*Received October* 8.)

(No. 124.)

My Lord, *Tangier, September* 24, 1928.

WITH reference to Mr. Bond's despatch No. 115 of the 25th ultimo, I have the honour to report that Mr. Dicken proceeded to Tetuan on the 21st instant on the invitation of the Spanish authorities to resume negotiations with M. Valverde for a new customs arrangement between the Tangier and Spanish zones.

2. The general results of the discussion were encouraging, and it would seem possible to meet the Spanish counter-proposals, which M. Valverde laid before Mr. Dicken on instructions from Madrid, on practically all points except that of the "taxe spéciale."

3. The attitude of the Spanish Government on this point is not quite clear to me, but from Mr. Dicken's report it appears that they are inclined to maintain that the matter was settled in their favour at Paris, or that they intend, at any rate, to claim that the whole amount collected in respect to this tax on goods landed at Tangier and subsequently exported to the Spanish zone must be handed over to them pending an arrangement of the question, in the same way as, under the present arrangement, 25 per cent. of the receipts from the tax are now paid to the Spanish zone.

4. It is clear, however, from Sir Austen Chamberlain's telegram No. 14 of the 19th July that the point was not settled at Paris and that it was, on the contrary, expressly left open for subsequent negotiation, and the zone cannot, I think, be reasonably expected to continue to make payments to the Spanish authorities on this account in the hope that it may subsequently be reimbursed in view of the resentment which the Spanish Government showed at the outset of the Paris negotiations at the mere suggestion of a refund of the sums already paid over to them. I would refer in this connexion to Sir Austen Chamberlain's despatch No. 219 of the 25th April to His Majesty's Ambassador at Madrid.

5. Mr. Dicken accordingly proposes to insist that, failing an arrangement satisfactory to the Tangier Administration, the sums in question shall be deposited with the Banque d'État pending a definite settlement.

6. Mr. Dicken was to have returned to Tetuan to-day with M. Carpentier, the head of the Tangier customs service, but his visit has had to be postponed owing to the indisposition of M. Valverde.

I have, &c.
HUGH GURNEY.

[**W 10031/12/28**]

No. 30.

Mr. Gurney to Lord Cushendun.—(*Received October* 19.)

(No. 132.)

My Lord, *Tangier, October* 15, 1928.

WITH reference to my telegram No. 21 of to-day's date, I have the honour to transmit herewith copy of a memorandum prepared by the Administrator of the Tangier Zone in regard to the present position of the negotiations for a customs arrangement with the Spanish Zone.

I have, &c.
HUGH GURNEY.

Enclosure in No. 30.

Note pour M. le Consul général de France.

DÈS les débuts des négociations (13 août), les autorités espagnoles avaient notifié qu'elles *ne reconnaissaient pas qualité* à l'Administration tangéroise pour poser et résoudre la question (du 2½ pour cent) déjà réglée par l'article 20 de la convention de 1923 et dont *on s'était occupé dans les dernières négociations de Paris.*

Mr. Dicken avait fait observer qu'il était cependant nécessaire de prévoir, comme en juillet 1926, un régime provisoire, à appliquer jusqu'à ce que la question fût résolue.

Ultérieurement, un accord complet s'était établi non seulement sur les principes, mais sur les modalités à adopter pour l'application du nouveau système présenté par la Zone de Tanger.

Mr. Dicken, s'étant rendu de nouveau à Tétouan samedi matin, sur convocation, M. Valverde (sur instructions venues de Madrid) a présenté un article additionnel qui implique la renonciation de la Zone de Tanger à la taxe spéciale ; ajoutant que si la Zone de Tanger ne reconnaissait pas que *le droit de la Zone espagnole à percevoir la taxe spéciale ne pouvait être mis en discussion*, l'Espagne serait vraisemblablement amenée à refuser son approbation au nouveau régime et à prendre les mesures nécessaires pour sauvegarder ses droits.

Reprenant la thèse espagnole originale, Mr. Dicken *a déclaré que la zone ne se reconnaissait la qualité pour résoudre la question de la taxe spéciale*, dont les Puissances signataires de la Convention de Paris se trouvaient saisies. Il a ajouté que, comme en aucun cas, le nouveau régime ne pouvait entrer en vigueur le 17 octobre, date à laquelle l'ancien est dénoncé, il convenait de proroger jusqu'au 31 octobre l'application de l'accord de 1926. M. Valverde a répondu que si la zone n'avait pas donné son adhésion à ses dernières propositions avant le 17, les autorités de Tétouan ne pourraient consentir à cette prorogation sans consulter Madrid.

En présentant cette exigence au dernier moment et sous la menace indirecte du rétablissement d'un cordon douanier autour de la zone, les autorités espagnoles espèrent intimider l'Assemblée et forcer la main à l'Administration.

Il est évident que la rénonciation de la Zone de Tanger à la taxe spéciale en faveur de la Zone espagnole n'aurait, au point de vue juridique, aucune valeur, puisque le débat n'est pas entre elle et la Zone espagnole, mais entre les Puissances signataires de la Convention de Paris déjà saisies de la question et seules compétentes (avec recours à La Haye) pour interpréter les dispositions de cette convention. Mais la manœuvre espagnole tente à dessaisir ces Puissances en faisant disparaître (au moins pour l'avenir—car la question resterait à résoudre pour la période écoulée de juillet 1926 à octobre 1928) le litige même qui leur a été soumis.

L'Administration de Tanger estime qu'en abandonnant sa thèse sous la pression espagnole, elle se disqualifierait non seulement à l'égard de l'Espagne, mais encore auprès des Puissances dont elle a invoqué la protection.

Mr. Dicken se rendra à Tétouan demain mardi pour recevoir communication de la décision définitive de l'Espagne.

P. ALBERGE.

Tanger, le 15 octobre 1928.

[W 9900/12/28] No. 31.

Lord Cushendun to Sir G. Grahame (Madrid).

(No. 506.)

Sir, *Foreign Office, October 19, 1928.*

YOU will have learnt from my telegram No. 57 of the 16th instant that the Spanish Government have once more raised in an acute form the complex and contentious question of the allocation of the proceeds of the *taxe spéciale* levied by the Customs at Tangier.

2. As you are aware this controversy dates from the entry into force of the Tangier Convention of 1923. The stages through which it passed up to the beginning of this year are described in the memorandum, of which I enclose a copy for convenience of reference. For the present purpose it is unnecessary to recapitulate either the arguments put forward on either side, or the earlier history of the case. It is sufficient to say that His Majesty's Government forbore to submit the question to arbitration, as they were entitled to do under article 54 of the convention, because they hoped that the impending negotiations for the revision of the statute would afford a favourable opportunity of settling it amicably.

3. At an early stage of the recent conference in Paris the British representatives on the committee of experts proposed that the financial difficulties created in part by the satisfaction of the Spanish demands might be met by an equitable revision of the existing customs agreement, and by the cession to Tangier of the whole proceeds of the *taxe spéciale*. This suggestion was subsequently made in a slightly different form to General Primo de Rivera by Sir Austen Chamberlain, who, in a personal telegram, urged that in return for a guarantee that the strength of the gendarmerie would not be reduced below 250 men, the Spanish Government should conclude a new customs agreement, abandon all claim to any proceeds of the *taxe spéciale*, and finally place no further obstacle in the way of the reform of the Mixed Tribunal. The Spanish Government refused to entertain this proposal, and after interminable private negotiations between the Spanish Ambassador and M. Berthelot the following compromise was agreed to by the Spanish Government and was submitted to the conference by the French expert:—

Customs Arrangement.—The Spanish Government to undertake that the Spanish zone will open immediate negotiations with Tangier for the conclusion of a customs arrangement on the basis of a division of dues according to the ultimate destination of the goods.

Taxe spéciale.—This question not to be further pursued for the moment, each Government reserving the right to maintain the position which it has upheld during the present negotiations.

Reform of the Mixed Tribunal.—A committee of Jurists to meet in Paris to draw up an agreed scheme for the reform of the tribunal.

Gendarmerie.—The Assembly to be bound under the statute to vote an annual sum of 2,200,000 fr. for the maintenance of the gendarmerie, this sum allowing a margin of 200,000 fr. over the Spanish estimate of the cost of a force of 250 men; the French and Spanish Governments jointly to defray the difference between the present gendarmerie vote of 1,500,000 fr. and the sum of 2,200,000 fr.

4. His Majesty's Government accepted the above proposal on condition (1) that it was specifically stipulated that the question of the *taxe spéciale* was reserved, and that any of the Governments concerned retained the liberty to raise it at a subsequent date; (2) that as regards the customs, it was clear that the object of the new arrangement was simply to determine the volume of traffic between the two zones, and that the Spanish Administration would only be entitled to claim duties in respect of goods which actually passed into the Spanish zone. The British experts duly made a formal declaration in accordance with those instructions. The Spanish representative, in replying, gave satisfactory assurances respecting the conclusion of the proposed customs agreement, but on the second point he stated that the Spanish Government, in offering to bear part of the cost of the gendarmerie, had intended that the question of the *taxe spéciale* should be regarded as definitively settled in favour of Spain; he must consequently draw the attention of his Government to the condition laid down by His Majesty's Government. The French representative supported the British view. The Spanish representative never subsequently reverted to the point, and His Majesty's Government are fully justified in holding that the Spanish Government are pledged to conclude a customs arrangement on the lines agreed upon, quite independently of the *taxe spéciale*.

5. The Tangier Protocol was signed on the 25th July last. On the 2nd August the negotiations for the revision of the existing customs arrangement were begun, and for a while followed the leisurely course inseparable from Spanish methods. On the 24th September Mr. Gurney reported that the Spanish negotiators were raising difficulties over the *taxe spéciale*, and that the Director of Finance of the Tangier zone was proposing to insist that, pending a settlement of that question, the sums involved should be deposited with the Banque d'Etat. I immediately warned Mr. Gurney by telegraph that if Mr. Dicken persisted in his attitude he might wreck any chance of a customs agreement. The question of the *taxe spéciale* had been reserved and should not be connected with the current negotiations. His Majesty's Government were prepared to examine later ways and means of settling it, but in the meantime nothing should be done to give the Spanish Government an excuse for refusing to conclude a customs agreement on the lines laid down in Paris.

6. I was confident that in view of the terms of the agreement reached at the Tangier Conference there would be no difficulty in concluding a satisfactory customs arrangement, provided that the Tangier authorities were prepared to treat the question independently. I was therefore painfully surprised to learn from Mr. Gurney's telegram of the 15th October that the Spanish authorities were attempting to make the conclusion of the customs arrangement dependent on a surrender by Tangier in the matter of the *taxe spéciale*.

7. The attitude of the Spanish authorities, as reported by Mr. Gurney, is so clearly a breach of the understanding reached in Paris as to warrant the strongest representations to the Spanish Government. I shall be glad if your Excellency will seek an early interview with General Primo de Rivera, and after recapitulating the facts set forth in this despatch, urge him to give immediate instructions that the customs arrangement shall be concluded quite independently of the question of the *taxe spéciale*. Should he prove obdurate, you may warn him, in the friendliest possible manner, that in the event of a deadlock in the customs negotiations His Majesty's Government would be left with no other course than to refer the whole question without delay to arbitration. In view of the urgency of the matter you should act without your French colleague should he have no instructions, and in any event it would be wise, in order to avoid wounding Italian susceptibilities, to keep your Italian colleague informed.

8. In case the Spanish Government should question your version of the Paris negotiations, I enclose for your information a copy of the relevant minutes of the Tangier Conference.*

I am, &c.
CUSHENDUN.

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* Enclosed in Paris despatch No. 1720 of October 15, 1928.

[W 10214/12/28] No. 32.

Note communicated by the French Embassy, October 24, 1928.

PRETENTION du Gouvernement espagnol d'exiger de Tanger l'abandon de toutes revendications relatives à la taxe spéciale.

Lors de la dernière conférence de Tanger, les délégations française et britannique, après avoir soutenu le droit de Tanger à la taxe spéciale, s'étaient ralliées à une combinaison financière qui permettrait d'équilibrer le budget tangérois sans avoir recours à cette ressource. Mais elles avaient maintenu leurs positions de principe.

L'engagement que l'Espagne prétend aujourd'hui obtenir de Tanger n'aurait donc pas de force vis-à-vis des Gouvernements français et britannique, qui seraient en droit de reprendre leur liberté d'action en présence de l'intervention soudaine de l'Espagne. Le différend devrait être soumis à l'arbitrage, conformément à l'article 54 du statut. Cette solution serait acceptable pour le Gouvernement français, sauf la fâcheuse impression que ne manquerait pas de causer un procès entre les trois Puissances signataires du statut de 1923.

C'est en s'appuyant sur ces considérations que l'Ambassadeur de France à Madrid est chargé de demander au Gouvernement espagnol de ne pas introduire dans son accord douanier avec Tanger une clause qui soulèverait un conflit de principe.

Ambassade de France, Londres,
le 24 octobre 1928.

[W 10203/12/28] No. 33.

Sir G. Grahame to Lord Cushendun.—Received October 25.)

(No. 75.)
(Telegraphic.) R. *Madrid, October* 24, 1928.

PRESIDENT of Council is on his way back from the Canary Isles.

It is not certain when he will arrive in Madrid.

Matter being urgent, I saw General Jordana, head of Morocco Section, to-day, and left with him *note verbale* embodying your instructions.

He said he could not give an answer before return of President of Council in spite of pressure on my part to dissociate forthwith the question of special tax from customs arrangement.

He pointed out that question of special tax was introduced into customs negotiations not by Spanish, but by Tangier, authorities, who inserted sentence in original draft arrangement claiming it for Tangier.

(Repeated to Tangier.)

[W 10259/12/28] No. 34.

Sir G. Grahame to Lord Cushendun.—(Received October 25.)

(No. 76.)
(Telegraphic.) *Madrid, October* 24, 1928.

I HAVE informed French and Italian Chargés of the exact terms of my representations. The former had already seen General Jordana yesterday, and as his note contained mention of alternative of arbitration I inserted it in mine so that the Spanish Government should not think there was any difference in attitudes of His Majesty's Government and French Government.

General Jordana gave me the impression that Spanish Government were not afraid of arbitration. They seem to think they could have a good case based on article 20 of Convention of 1923.

[W 10259/12/28] No. 35.

Lord Cushendun to M. de Fleuriau.

Your Excellency, *Foreign Office, October* 27, 1928.

WITH reference to your note of the 24th instant, I have the honour to inform your Excellency that His Majesty's Ambassador at Madrid was instructed on the 19th instant to concert with his French colleague in pressing the Spanish Government to give immediate directions for the conclusion of a customs agreement between the Tangier and Spanish zones independently of the question of the *taxe spéciale*, and to intimate that, if the present negotiations ended in deadlock as a result of the linking of the two questions, His Majesty's Government would be left with no alternative but to refer the matter to arbitration forthwith.

2. Sir G. Grahame reports that he has carried out these instructions in concert with the French Chargé d'Affaires at Madrid. He adds that he has obtained the impression, in conversation with General Jordana, that the Spanish Government are confident that they have a good case based on article 20 of the Tangier Convention, and that consequently they are not afraid of arbitration. If this is so, it should not be difficult for the Governments concerned to agree amicably to submit the question forthwith to the International Court at the Hague, in accordance with article 54 of the Tangier Convention, and, in view of the constant friction between the Spanish and Tangier zones which is engendered by the dispute, I am disposed to think that there is every advantage in adopting this course as soon as possible.

I have, &c.
CUSHENDUN.

[W 10259/12/28] No. 36.

Lord Cushendun to Sir W. Tyrrell (Paris).

(No. 2405. Confidential.)
Sir, *Foreign Office, October* 27, 1928.

WITH reference to my despatch No. 2358 of the 20th instant, I transmit herewith a copy of correspondence with the French Ambassador* and with His Majesty's Ambassador at Madrid† in regard to the question of the allocation of the proceeds of the *taxe spéciale* levied by the customs at Tangier.

2. I shall be glad if your Excellency will inform the Quai d'Orsay verbally of the views of His Majesty's Government, as stated in the correspondence, and enquire whether the French Government concur. In view of the susceptibility of the Italian Government, it would be well to make a similar communicaiton to your Italian colleague.

I am, &c.
CUSHENDUN.

[W 10423/12/28] No. 37.

Sir W. Tyrrell to Lord Cushendun.—(Received November 1.)

(No. 1825.)
My Lord, *Paris, October* 31, 1928.

I HAVE the honour to inform your Lordship that, in accordance with the instructions contained in your despatch No. 2405 of the 27th October, I to-day sent a member of the Embassy to see M. de Saint-Quentin, the head of the African Department of the Ministry for Foreign Affairs, with regard to the question of the allocation of the proceeds of the *taxe spéciale* levied by the Customs at Tangier.

2. M. de Saint-Quentin was informed of the views of His Majesty's Government on this question, as stated in the correspondence enclosed in your despatch. He was asked, in particular, in view of the Spanish attitude disclosed in the second paragraph of telegram No. 76 from His Majesty's Ambassador, Madrid, whether

* No. 35. † Nos. 33 and 34.

the French Government did not agree that the Governments concerned would be well advised amicably to submit the question forthwith to the International Court at The Hague.

3. M. de Saint-Quentin replied that the Ministry for Foreign Affairs had to-day received a telegram from the French Chargé d'Affaires at Madrid, according to which the Spanish Government were agreeable to the insertion in the convention of a clause similar to clause 8 of the Inter-Zonal Agreement of the 25th July, 1926. Under this clause the Spanish Zone would collect the special tax on merchandise destined for consumption in that zone, under reserve of a friendly arrangement or arbitral decision to be come to at the proper moment and subject to the undertaking that, if this arrangement or decision was contrary to the Spanish point of view, the Spanish Zone would reimburse to the Tangier Zone the sums paid to it in respect of the *taxe spéciale*. M. de Saint-Quentin said that, subject to a reference to the French representative at Tangier which was being made by telegraph this evening, it seemed to the Ministry for Foreign Affairs that this proposal could be accepted.

4. M. de Saint-Quentin was informed of your instructions to me to keep in touch with my Italian colleague on this question, and he said that, so far as the French Government were concerned, there was no objection to the Italian Embassy being informed of the situation and of the fact that a proposal had now been made by the Spanish Government which seemed to the Ministry for Foreign Affairs to be likely to prove acceptable. I have informed the Italian Embassy accordingly this evening.

I have, &c.
W. TYRRELL.

[W 10506/12/28] No. 38.

Sir G. Grahame to Lord Cushendun.—(Received November 5.)

(No. 549.)

My Lord, *Madrid, November 1, 1928.*

WITH reference to my telegrams Nos. 76 and 78 of the 24th and 30th October, I have the honour to transmit to your Lordship herewith the text of the *note verbale* concerning the *taxe spéciale* which I handed on the 24th instant to General Jordana, together with a translation of the reply of the Spanish Government thereto.

2. I understand from the French Chargé d'Affaires that the Spanish Government have returned a similar answer to his representations on this subject. I am informing the Italian Embassy verbally of the substance of the *note verbale* from the Spanish Government.

I have, &c.
GEORGE GRAHAME.

Enclosure 1 in No. 38.

Note verbale.

HIS Britannic Majesty's Ambassador has the honour, under instructions from His Majesty's Government, to inform his Excellency the President of the Council that it is with grave concern that His Majesty's Government have learnt from His Majesty's consul-general at Tangier that the negotiations opened at Tangier for the conclusion of a customs arrangement between the Tangier and Spanish Zones in accordance with the agreement reached at the recent Tangier Conference have been frustrated on the eve of satisfactory termination owing to the action of the Spanish representative, who demanded the introduction of a clause which would have the effect of depriving the Tangier Zone of their claims to the so-called *taxe spéciale*.

It will be recalled that at an early stage of the recent conference in Paris, the British representatives on the Committee of Experts proposed that the financial difficulties, created in part by the satisfaction of the Spanish demands, might be met by the equitable revision of the existing customs agreement and by the cession to Tangier of the whole of the proceeds of the *taxe spéciale*, and the same proposal

was subsequently made in a slightly different form in a personal telegram from Sir Austen Chamberlain to the Marqués de Estella. The Spanish Government were unable to agree to this proposal, and after negotiations between the Spanish Ambassador at Paris and M. Berthelot, a compromise was agreed to whereby the Spanish Government undertook, among other things, that the Spanish Zone should open immediate negotiations with Tangier for the conclusion of a customs arrangement on the basis of a division of dues according to the ultimate destination of the goods, and that the question of the *taxe spéciale* should not be further pursued for the moment, each Government reserving the right to maintain the position upheld by it during the negotiations at Paris.

This proposal was accepted by His Britannic Majesty's Government on the conditions—

(1.) That the question of the *taxe spéciale* was reserved, and that any of the Governments concerned retained the liberty to raise it at a subsequent date; and

(2.) That as regards the customs, it was clear that the object of the new arrangement was simply to determine the volume of traffic between the two zones, and that the Spanish Administration would only be entitled to claim duties in respect of goods which actually passed into the Spanish Zone.

The British experts duly made a formal declaration in that sense, and the French representatives supported the British view. The Spanish representative gave satisfactory assurances respecting the conclusion of the proposed customs agreement, but declared that he must draw the attention of his Government to the condition laid down by His Majesty's Government. As he never subsequently reverted to the point, His Majesty's Government feel justified in holding that the Spanish Government are pledged to conclude a customs arrangement on the lines agreed upon, quite independently of the *taxe spéciale*.

His Majesty's Government were confident that, in view of the terms of the agreement reached at the Tangier Conference, there would be no difficulty in concluding a satisfactory customs arrangement provided that the question were treated independently. They were therefore painfully surprised to learn that the Spanish authorities were endeavouring to make the conclusion of a customs arrangement dependent on a surrender by Tangier in the matter of the *taxe spéciale*.

Sir George Grahame is therefore directed to bring the facts above set forth to the attention of the President of the Council and to urge his Excellency to cause instructions to be sent to the Spanish authorities for the conclusion of the customs arrangement independently of the question of the *taxe spéciale*. Sir G. Grahame is to express the hope of His Majesty's Government that the Spanish Government will thus see their way to avert a deadlock in the customs negotiations through the introduction of the question of the *taxe spéciale*, which would leave no other course open to His Majesty's Government than to propose that the whole question should be referred to arbitration, a course which His Majesty's Government would be most reluctant to have to adopt so soon after the conclusion of the Tangier Conference.

October 24, 1928.

Enclosure 2 in No. 38.

Note verbale from the Spanish Government.

(Translation.)

THE difficulties recently set forth by the Administration of Tangier in the matter of signing the Customs Agreement with the Spanish Zone, elaborated after various meetings, have prompted the *note verbale*, which His Britannic Majesty's Ambassador acting on instructions from his Government, delivered at the Presidency of the Council on the 24th instant.

I.

According to the Government of His Britannic Majesty, the negotiations which were proceeding between the Administrations of the two zones have been frustrated owing to the Spanish representative having demanded the introduction of a clause which would have had the effect of depriving the Tangier Zone of their claims to the so-called *taxe spéciale*.

The British Government also recalls that His Catholic Majesty's Government assumed the obligation in Paris to open immediate negotiations with Tangier for the conclusion of a Customs arrangement on the basis of a division of dues according to the ultimate destination of the goods, and that the said arrangement agreed upon between the Spanish Ambassador and M. Berthelot was accepted by the Government of His Britannic Majesty on the condition—

1. That the question of the *taxe spéciale* was reserved, and that any of the Governments concerned retained the liberty of raising it at a subsequent date.
2. That the object of the new arrangement was simply to determine the volume of traffic between the two zones, and that the Spanish Administration would only be entitled to claim duties in respect of goods which actually passed into the Spanish Zone.

The Spanish representative gave satisfactory assurances with respect to the conclusion of the proposed customs agreement, but declared that he must draw the attention of his Government to the condition laid down by His Majesty's Government. The fact that he did not revert to the point is interpreted by His Britannic Majesty's Government as justifying them in maintaining that the Government of His Catholic Majesty are obliged to conclude a customs arrangement on the lines agreed upon quite independently of the *taxe spéciale*.

Basing themselves on this argument, the Government of His Britannic Majesty request that instructions may be issued for the conclusion of the customs arrangement independently of the question of the *taxe spéciale*, seeing that otherwise no other course would be open to them than reluctantly to propose that the whole question should be referred to arbitration.

II.

The Government of His Catholic Majesty desire in the first place to establish clearly the character of the obligation contracted in the course of the conversations in Paris, and to this end must formulate their most categorical reservations to the thesis advanced by His Majesty's Government, according to which the mere fact of not having subsequently reverted to the question implied that the Spanish Government accepted the condition suggested by the British Government. Neither in a general manner nor with reference to the present matter can the Government of His Catholic Majesty admit this to be the case. Not having signified their agreement expressly and in a concrete manner, the Government of His Catholic Majesty do not consider themselves bound by any other obligation than that which their representative specifically contracted at the Paris conversations, namely, that of concluding between the two Administrations—the Administration of the Tangier Zone and that of the Spanish Zone—a customs agreement to settle the bases for the assessment and the payment of the duties which are to be levied upon goods entering one zone and destined for consumption in the other.

On this basis, the negotiations between the two Administrations were opened during the month of August last, and the Administration of the Spanish Zone were surprised when in the first project for the agreement the Tangier Administration proposed a clause according to which the right to levy the *taxe spéciale* was recognised as pertaining to the zone into which the goods entered. As the insertion of such a clause would only imply the final decision of the question at issue, the Administration of the Spanish Zone formulated the objections which they deemed opportune, it being finally agreed that the clause in question would be withdrawn. The Director of Finance of the Tangier Zone repeatedly alluded in the course of the negotiations to the necessity of referring in the agreement to the question of the *taxe spéciale*, and the Administration of the Spanish Zone suggested the insertion of a clause—which has occasioned the *note verbale* of His Britannic Majesty's Embassy—in which, in the spirit and in the letter, there was reproduced the substance of article 20 of the Statute of Tangier now in force. The Administration of the Spanish Zone considered—and in this the Government of His Catholic Majesty shared the same opinion—that the insertion in an agreement between the two zones of a stipulation of the Tangier Statute could be regarded as unwarranted, and that in taking such action the eventual decision would not be prejudiced, nor would the Tangier Zone be deprived of its right to claim the so-called *taxe spéciale*, as the Government of His Britannic Majesty maintain, seeing that if the question as to the interpretation

of article 20 remained open, the same would be the case as regards a clause which was a reproduction of the scope and meaning of that article, all the more so as it figured in the text of an agreement arrived at exclusively between the two local administrations; for, if the way is open to submit the matter to arbitration in accordance with the provisions of article 54 of the statute, it will continue to be so notwithstanding the insertion of the clause proposed by the Administration of the Spanish Zone.

Simultaneously with the receipt of the note of the British Embassy, the Government of His Catholic Majesty learnt that a letter had been addressed by the Administrator of the Tangier Zone to the Delegate-General of the High Commissariat in which, after certain explanations in regard to a former communication, it is suggested, in order to resolve the difficulty, that article 1 should be modified, reserving, as in the agreement of 1926, the eventual decision of the question of the *taxe spéciale*.

The Spanish Government being desirous, as are the British Government, that difficulties should not coincide with the initiation of the reforms in the Tangier Administration agreed upon in Paris, and being most anxious to show a conciliatory spirit, have sent word to the Administration of the Spanish Zone to refrain from opposing the introduction into the agreement of a modification in a sense analogous to clause 8 of the 1926 agreement, namely, that the Spanish Zone should levy the proceeds of the *taxe spéciale* imposed on goods destined for its consumption, pending an amicable settlement or an eventual arbitral decision, and on the understanding that, in the event of such a decision being adverse to the Spanish point of view, the Spanish Zone would refund to the Tangier Zone the sums levied under this provision.

October 29, 1928.

[W 11314/12/28] No. 39.

Mr. Gurney to Lord Cushendun.—(*Received November* 29.)

(No. 148.)

Tangier, November 24, 1928.

My Lord,

WITH reference to my telegram No. 26 of the 17th instant, I have the honour to transmit herewith copies of the customs arrangement concluded with the Spanish Zone. This arrangement, which was signed at Tetuan on the 13th instant, was approved by the Legislative Assembly on the 14th and by the Committee of Control on the 15th. It was put into operation on the 16th instant, and it has so far not given rise to any difficulties.

2. It will be seen that it provides for the refund by either zone of the amounts levied in respect of customs and consumption duties, as well as the "taxe spéciale," on goods imported into that zone and passing to the other zone. As regards the "taxe spéciale," it is admitted that the matter may form the subject of either a friendly arrangement or an arbitral decision, and it is provided that the sums paid on this account will be refunded in the event of the ultimate decision being contrary to the views of the Spanish Administration.

3. Posts have been established at four points outside Tangier, where representatives of the two zones check the goods passing in and out. Accounts are to be made up monthly, and the balance due will then be paid by the one zone to the other.

4. Special arrangements are made to provide for goods passing between Tangier and the French Zone in transit through the Spanish Zone, and a law has been passed by the Assembly providing for the necessary modification in the existing arrangements with the French Zone.

5. When the arrangement came up for consideration before the Committee of Control, attention was drawn to the fact that the Spanish Zone was incorrectly described as the "Zone of Spanish Protectorate," and that in the Spanish text the Tangier Zone was spoken of as the International Zone. Whilst not desiring to insist on an alteration in the text, we placed on record in our minutes the fact that these descriptions were incorrect. We also decided to ask the Administration to endeavour to arrange for an alteration in the fourth paragraph of article 4, which provides for the appointment of a consul as arbitrator in the event of a divergence of opinion between the authorities concerned in regard to the valuation of goods. The paragraph in question provides for the selection of a "consul de carrière résidant à Tanger et n'appartenant pas à l'une des Puissances signataires de la dernière Convention de Paris." Some of my colleagues objected to this phraseology, and it

was proposed that, if possible, the following wording should be adopted, viz.: "consul de carrière résidant à Tanger et désigné par le Comité de Contrôle," it being understood that the Committee of Control would not select either a French or a Spanish consular officer.

I have, &c.
HUGH GURNEY.

Enclosure in No. 39.

Convention entre l'Administration de la Zone du Protectorat espagnol au Maroc et l'Administration de la Zone de Tanger, pour l'Application de l'Article 20 *de la Convention de Paris du* 18 *Décembre* 1923.

LES soussignés Don Teodomoro Aguilar y Salas, délégué général intérimaire du Haut-Commissariat d'Espagne au Maroc, au nom de l'Administration de la Zone du Protectorat espagnol, dûment autorisé par dahir de la même date;

Et Paul Alberge, Administrateur de la Zone de Tanger, ès qualité et comme représentant de cette zone, agissant avec l'autorisation de l'Assemblée législative internationale;

Considérant que l'accord douanier interzonal signé à Tanger le 26 juillet 1926 a été régulièrement résilié, ont convenu de procéder à une nouvelle réglementation des relations douanières entre les deux zones conformément aux clauses ci-après:

1. Par application des dispositions de l'article 20 de la Convention de Paris du 18 décembre 1923, dont le paragraphe premier stipule que la Douane de Tanger ne percevra que les droits et taxes afférents aux marchandises destinées à la consommation exclusive de la zone, à partir du 16 novembre courant toutes les recettes de douane et toutes les taxes établies sur les marchandises qui, entrant par Tanger, sont destinées à la consommation en Zone espagnole, seront reversées par l'Administration de la Zone de Tanger à l'Administration de la Zone espagnole et seront liquidées dans les conditions indiquées ci-après. Par réciprocité, les droits et taxes de toutes sortes afférents aux marchandises qui, entrant par les ports de la Zone espagnole, sont destinées à la consommation en Zone de Tanger, seront reversés par l'Administration de la Zone espagnole à l'Administration de la Zone de Tanger, après liquidation suivant la même procédure.

En ce qui concerne la taxe spéciale de 2½ pour cent que la zone d'entrée devra reverser à la zone de consommation—ainsi qu'il est indiqué plus haut—l'Administration de la Zone espagnole admet qu'elle pourrait faire l'objet d'un règlement ultérieur, soit par un accord amiable accepté par l'Espagne, soit par décision d'un tribunal d'arbitrage dans les conditions prescrites par l'article 54 de la Convention de Paris du 18 décembre 1923, étant entendu qu'au cas où soit l'arrangement, soit la décision, serait contraire au point de vue de l'Administration de la Zone espagnole, les sommes versées à ce titre seraient remboursées à l'Administration de Tanger, ou, le cas échéant, à celle de la Zone espagnole.

Échange de Marchandises par Voie de Terre.

2. Pour la liquidation des droits mentionnés à la clause précédente, des postes de surveillance douanière communs aux deux zones seront établis sur le chemin de Tanger à l'Andjera, à la gare du chemin de fer du Tanger–Fez, sur la route de Tanger à Tétouan et sur celle de Tanger à Rabat.

Le service de ces postes sera assuré par des fonctionnaires des deux zones, chaque zone nommant le nombre de fonctionnaires qu'elle estimera nécessaire et pourvoyant à leur rémunération.

Seront considérés comme frais communs à payer par moitié les frais de matériel et d'entretien des locaux ainsi que les frais de construction des nouvelles installations qui pourront être jugées nécessaires.

3. Toute marchandise expédiée d'une zone dans l'autre devra être déclarée à ces postes. On y inscrira sur deux registres distincts le nom de l'importateur, la provenance des marchandises avec leur nature, qualité, poids, quantités, marques et marques commerciales, l'itinéraire qu'elles doivent suivre et leur destination.

Lorsqu'il s'agira de marchandises pouvant avoir, par nature, des valeurs très différentes comme, par exemple, des tissus, de la quincaillerie, &c., les fonctionnaires du poste de surveillance enregistreront la valeur d'achat déclarée par l'intéressé; à défaut de déclaration ces fonctionnaires auront le droit de prélever des échantillons qu'ils enverront au Chef de la Douane de Tanger en même temps que les copies des registres. Mais ces copies seront envoyées également à l'Interventor espagnol.

Afin que les mentions portées sur des registres aient un caractère contradictoire, les fonctionnaires des deux zones signeront, conjointement, les registres après collationnement, au moment de chaque relève.

4. Dans les huit premiers jours de chaque mois les postes de surveillance remettront au Chef de la Douane de Tanger et à l'Interventor espagnol une copie des mentions portées sur les registres. A cette copie sera ajoutée par la douane une seconde feuille présentant les colonnes nécessaires pour l'inscription de la valeur de chaque marchandise ainsi que des recettes de douane et des taxes de consommation correspondantes conformément aux tarifs en vigueur.

L'estimation des marchandises entrées de la Zone de Tanger dans la Zone espagnole, ou inversement, sera déterminée par le Chef de la Douane de Tanger et l'Interventor espagnol, qui, en règle générale, attribueront à ces marchandises les valeurs qui auraient servi de base aux déclarations en douane et au paiement des droits.

En vue d'unifier dans la mesure du possible les estimations douanières des deux zones, la Douane de Tanger communiquera tous les mois, à titre d'information, à l'Inspection des Douanes de la Zone espagnole et celle-ci au Chef de la Douane de Tanger, des états des valeurs des principales marchandises importées.

En cas de désaccord dans l'estimation, entre le Chef de la Douane de Tanger et l'Interventor espagnol, les inscriptions des marchandises sur lesquelles porte le désaccord ne seront pas reprises dans l'état général et le litige sera soumis à une commission d'arbitrage composée des deux fonctionnaires précités et d'un consul de carrière résidant à Tanger et n'appartenant pas à l'une des Puissances signataires de la dernière Convention de Paris. Cette commission jugera à la majorité des voix. Son jugement sera définitif en ce qui concerne l'estimation des marchandises en litige.

Au cas où ni la proposition du Chef de la Douane de Tanger ni celle de l'Interventor espagnol ne réunirait la majorité, la voix du consul entraînera décision—même si elle est seule.

5. Du 9 au 15 de chaque mois il sera procédé aux opérations d'estimation et à la liquidation des droits; entre le 16 et le 20 il sera procédé à la liquidation définitive des sommes résultant des différences entre les états des marchandises importées de Tanger à la Zone espagnole et les états des marchandises importées de la Zone espagnole à Tanger.

Entre le 21 et le 30 la zone débitrice versera à la zone créditrice le solde revenant à celle-ci sur toutes les recettes de douane et les taxes de consommation.

Le versement se fera par Tanger en francs et par la Zone espagnole en pesetas, au cours du change de la veille à la Bourse de Madrid.

6. Les droits correspondant aux taxes de consommation seront liquidés conjointement avec toutes les autres recettes de douane suivant les dispositions ci-après, au cas où les tarifs ne seraient pas identiques dans les deux zones:

(*a.*) Lorsque le tarif de la zone de destination sera moins élevé que celui de la zone d'expédition, la zone de destination sera créditée du montant des droits calculés d'après ses tarifs;

(*b.*) Quand le tarif de la zone de destination sera plus élevé que celui de la zone d'expédition, la zone de destination sera créditée des sommes effectivement perçues et restera libre de percevoir la différence d'après ses propres tarifs;

(*c.*) Notification sera faite par chacune des zones à l'autre d'un tableau certifié conforme de ses tarifs de taxes de consommation et de toute modification qui y serait apportée.

Le taux du change sera revisé mensuellement en prenant pour base la moyenne du mois précédent.

7. Les petites quantités de marchandises destinées à la consommation des habitants de la Zone de Tanger ne seront pas comprises dans les statistiques et circuleront librement.

Régime de Transit.

8. Le régime de transit par voie ferrée prévu à l'article 20 de la Convention de Paris du 18 décembre 1923 et qui devra être institué conformément aux prescriptions de la Conférence de Barcelone sur la matière, entrera en vigueur lorsque les deux zones se mettront d'accord sur son application. En attendant cette mise en application, les marchandises transportées par le chemin de fer du Tanger–Fez de Tanger à la Zone espagnole et *vice versâ*, seront soumises au même régime d'inscription, de statistique et de paiement des droits que les marchandises transportées par terre, dont il est fait mention aux articles précédents.

9. La Zone espagnole admet le passage, sous le régime du transit, des marchandises qui proviennent de Tanger et sont destinées à la Zone française ou *vice versâ*, sous les conditions que ces marchandises voyagent de Tanger à la Zone française en wagons fermés et plombés accompagnés d'un passavant visé par les agents espagnols du poste de surveillance de Tanger et que le passavant déchargé par les agents espagnols de la douane d'El Ksar et constatant la sortie du territoire espagnol des wagons en question soit reçu en temps utile.

Pour permettre la liquidation des droits entre les Zones française et tangéroise, le passavant dont il est fait mention dans le paragraphe précédent sera visé non seulement par l'agent de la douane espagnole d'El Ksar mais aussi par un agent de la Zone française, de manière à constater l'entrée dans cette dernière zone des marchandises en question. Quand il s'agira de marchandises provenant de la Zone française et destinées à Tanger, le passavant sera établi par la Zone française au poste-frontière, visé par les agents espagnols de la douane d'El Ksar et annoté par les agents espagnols du poste de surveillance de Tanger. Ces prescriptions seront étendues au transit visé à l'article 10.

Les marchandises ainsi transportées ne seront pas comprises dans les statistiques d'entrée et sortie de Tanger, à moins que leur sortie du territoire espagnol n'ayant pas été constatée, elles ne perdent leur qualité de marchandise en transit. Dans ce cas, elles seront comprises dans la statistique pour la compensation des droits entre la Zone espagnole et celle de Tanger.

10. Les marchandises voyageant en transit par route, de Tanger à la Zone française et *vice versâ*, ne seront pas non plus comprises dans les statistiques pourvu qu'elles soient déclarées comme marchandises en transit dans le poste de douane d'El Ksar ou dans le poste de surveillance de Tanger et qu'elles soient accompagnées d'un passavant qui devra être retourné par l'un des postes de sortie de la Zone espagnole.

Les marchandises voyageant dans ces conditions devront être plombées et marquées de telle sorte que leur identification ne laisse place à aucun doute; elles devront être transportées dans le délai maximum de 48 heures.

Les marchandises dont les passavants ne seront pas dûment retournés après décharge par les postes de douane seront considérées comme consommées dans la Zone espagnole et comprises dans les statistiques et soumises à la liquidation des droits dans les conditions prévues plus haut.

Échanges par Voie de Mer.

11. Les marchandises étrangères échangées par voie de mer entre les deux zones sont expédiées soit en transbordement, soit en cabotage.

Les marchandises transbordées dans un port d'une zone à destination d'un port de l'autre zone acquitteront dans ce dernier port les droits et taxes de douane et les taxes de consommation.

Seront admises au régime du transbordement toutes les marchandises qui ne seront pas entrées dans les magasins ou boutiques du commerce.

Seront considérées comme marchandises provenant du commerce libre celles qui seront entrées dans les magasins et boutiques du commerce. Cette circonstance sera attestée, en ce qui concerne Tanger, par un certificat délivré par l'Interventor espagnol et, en ce qui concerne la Zone espagnole, par un certificat consulaire.

Les marchandises étrangères provenant du commerce libre pourront être expédiées sous le régime du cabotage et, dans ce cas, le bureau expéditeur délivrera un passavant où seront liquidées toutes les recettes de douane et les taxes de consommation.

Les passavants ainsi délivrés seront liquidés mensuellement en même temps que les états des marchandises voyageant par voie de terre et seront soumis aux mêmes conditions pour le paiement de tous les droits et taxes de douane et des taxes de consommation.

Droits sur les Tabacs.

12. Les droits sur les tabacs seront perçus par la Douane de Tanger et répartis dans la forme prescrite par les articles 24 et 39 de la Convention de Paris du 18 décembre 1923.

Droits d'Exportation.

13. Les droits d'exportation sur les marchandises et les produits marocains, expédiés d'une zone pour être exportés par un port de l'autre, reviennent à la zone dont les marchandises et produits sont originaires.

Si l'origine ne peut être suffisamment justifiée, les droits reviennent à la zone à laquelle appartient le port d'exportation.

Dispositions générales.

14. Les marchandises d'origine marocaine ne seront ni comprises dans les statistiques, ni soumises au paiement des droits, tant en ce qui touche les échanges par voie de terre que les échanges par voie de mer.

Au regard du présent accord sont considérés comme d'origine marocaine:

(*a.*) Les produits naturels ou récoltés sur le territoire de l'Empire;

(*b.*) Les produits fabriqués sur ce territoire avec des matières d'origine marocaine et dans lesquels les matières étrangères employées représentent moins de 50 pour cent de la valeur totale;

(*c.*) Les produits fabriqués avec des matières d'origine étrangère qui auront subi une transformation complète leur faisant perdre leur caractéristique originelle, à condition qu'ils aient acquis une augmentation de valeur égale à celle des produits originaux;

(*d.*) Les produits étrangers qui, par suite d'un complément de main-d'œuvre ou d'une transformation incomplète, ont acquis une valeur dépassant de 100 pour cent leur valeur d'importation.

Le Service des Douanes des postes de surveillance constatera l'origine marocaine suivant les règles fixées au paragraphe ci-dessus pour les marchandises pour lesquelles il n'y aura aucun doute. La provenance marocaine pourra, par ailleurs, être établie par des marques de fabrique marocaine officiellement reconnues ou par des certificats d'origine délivrés par l'autorité locale et mentionnant le nom et la résidence du fabricant.

15. La présente convention restera en vigueur jusqu'à ce qu'elle soit dénoncée par l'une des parties contractantes, avec préavis de six mois. Néanmoins, en cas de non-exécution de l'une de ses clauses, le délai de résiliation sera réduit à deux mois, à compter du jour de la dénonciation.

Fait en double, en espagnol, à Tétouan, le 13 novembre 1928.

P. ALBERGE. T. AGUILAR.

Vu pour promulgation conformément à l'article 27 du dahir du 10 Radjeb 1342 (16 février 1924) organisant l'Administration de la Zone de Tanger.

Le Mendoub de Sa Majesté chérifienne.

Tanger, le

Vu: Le Consul général de Grande-Bretagne,
Président du Comité de Contrôle.

(d.) Accession of the Powers to the Protocol of 1928.

[W 7508/7471/28] No. 40.

Sir C. Barclay to Sir Austen Chamberlain.—(*Received August* 9.)

(No. 261.)

Lisbon, August 3, 1928.

Sir,

I HAVE the honour to report that the Minister for Foreign Affairs spoke to me yesterday rather disappointedly of the new Tangier Statute, according to which, in his opinion, Portugal had come out diminished ("amoindri"). He said that the Portuguese colony was the third largest in numbers in Tangier, that there was a considerable amount of Portuguese capital invested there, that Portugal, though a signatory of the 1923 Convention, had not been invited to take part in the new negotiations, that he understood in a certain measure the concessions granted to Italy as a Mediterranean Power, but it did not seem quite fair that Belgium, with scarcely any Belgian subjects in Tangier, had secured the eventual nomination of a Belgian magistrate.

2. Dr. Bettencourt Rodrigues went on to say that he realised it was now too late to obtain anything under the new statute, but he wished that some post or other outside the statute could be given to a Portuguese in order to satisfy national feeling here.

3. His Excellency added that he had sent instructions to the Portuguese Chargé d'Affaires in London to bring the above to your attention, but he also asked me to submit the matter to your favourable consideration.

I have, &c.

COLVILLE BARCLAY.

[W 7471/7471/28] No. 41.

Note communicated by the Portuguese Chargé d'Affaires, August 8, 1928.

IN view of the importance of her colony in Tangier, the third in population, of her material interests there, amounting to about 140 million francs, and also of her traditions resulting from the occupation of Tangier during two centuries, Portugal considers that, in consequence of such material and moral interests, she is entitled to the enjoyment of rights and prerogatives equal to those which the new statute concedes or is about to concede to another nation which refused to adhere to the statute of 1923, particularly respecting the appointment of three members of the Legislative Assembly, of assistant administrators and of magistrates for the Mixed Court or for the Court of Appeal.

Portugal adhered to the statute of 1923 merely to comply with the requests of her ancient ally.

A conference for the amendment of the Tangier Statute having been held in Paris this year, to which she was not called and of which she had no official knowledge, Portugal was entitled to expect that her position in Tangier, in so far as her colony, capital and traditions were concerned, would not be overlooked if other nations received, as in fact they are to receive, as a result of the conference an improvement in status representing an alteration which interests the signatories of the Act of Algeciras. The Portuguese Government, therefore, cannot fail to express their regret on learning that their position was not considered at the said conference.

In these circumstances, the Portuguese Government appeal to the long-standing friendship which joins the two nations, and desire to express their confidence that, by reciprocating the spirit of loyal amity with which Portugal has followed British policy in Morocco, His Britannic Majesty's Government will still be able to find a means, within or outside the statute, of obtaining some compensation for Portugal, thus supporting the just claims of their ally, and avoiding, by means of their valuable and friendly support, any diminution in the situation of Portugal in Tangier relatively to

that of the other Powers. The susceptibilities of the Portuguese national pride are particularly sensitive to any semblance of such a diminution.

The Portuguese Chargé d'Affaires, in soliciting the assistance of His Britannic Majesty's Government in this matter, avails, &c.

Portuguese Embassy, London,
August 7, 1928.

[W 7643/7471/28] No. 42.

Acting Consul-General Bond to Sir Austen Chamberlain.—(*Received August* 13.)

(No. 109.)

Tangier, August 7, 1928

Sir,

I HAVE the honour to report that articles have recently been appearing in the Tangier press over the signature of José Dack, a local Portuguese resident of no paticular standing, drawing attention to the interests of Portugal in Tangier and urging her claims to fuller representation in the local Government than that which has been allotted to her by the statute.

2. The Portuguese, he states, form the third most important colony in Tangier, both numerically and from the point of view of vested interests, and he laments the inferior position with which Portugal has had to remain satisfied. The author tactfully omits any reference to comparative trade, as Portuguese figures make very poor showing. Nevertheless, he talks at some length of Portuguese aspirations, and demands satisfaction for them by the addition of a Portuguese judge to the Mixed Court, the appointment of a Portuguese interpreter to the Public Security Office and also increased representation in the Legislative Assembly.

3. I had intended finding out whether M. Barjona, the Portuguese consul-general, had inspired these articles, and he gave me the opportunity the other day, when he paid me a visit for the purpose of discussing the Portuguese position in connexion with the recent negotiations.

4. M. Barjona, who later in the conversation disclaimed any responsibility for the above articles in the press, began by saying that he was by no means satisfied with the position of Portugal, and he considered that due recognition had not been given by the framers of the statute to the very important Portuguese interests in Tangier. He claimed, quite erroneously, I believe, although I have not reliable data to hand showing the extent of Portuguese interests, that the Portuguese colony, numbering some 600 souls, to which must be added another 300 fishermen, including their families, during the fishing season, is the third in importance, and he considered it unfair that Italy should be given a position so very much more influential than that of his own country. He added that he was thinking of addressing his Government on the subject, and of proposing that they should withhold their adherence to the new agreement until some satisfaction be obtained. He proposed suggesting that this should take the form of additional representation in the Assembly and the appointment of a Portuguese judge to the Mixed Court.

5. He then asked me how I thought such a request would be received by His Majesty's Government. I replied that, in the first place, I did not consider that the title of the different Powers to participation in the government of Tangier should be assessed by the measure of their local interests, but by the extent to which their imperial or national interests were involved. Judged by this standard, I thought that Italy, like Great Britain, had very special claims to consideration, and I alluded to the fact that His Majesty's Government had gone so far as to resign in favour of Italy one of the judicial posts to which Great Britain was entitled under the statute, a fact which had evoked some criticism on the part of the local British colony. Furthermore, His Majesty's Government were not, so far as I knew, anticipating any such demands, and I thought that after the prolonged and difficult negotiations of the past year or so they could hardly welcome a proposal which seemed likely still further to retard the enforcement of an agreement which they had done so much to promote. The question of the reform of the Mixed Tribunal had been a particularly thorny one, so much so that, although some measure of agreement

had at length been reached in principle, its definite solution had had to be postponed until a future date. I thought, therefore, that it could only complicate this matter still further and render a settlement still more problematical if a demand were now put forward for the appointment of a Portuguese magistrate.

6. M. Barjona seemed inclined to admit the difficulty, and he then asked me my views as to increased representation on the Legislative Assembly, stating that, in his opinion, this could only be in the general interest as reinforcing the international character of the Legislative Assembly and as making for the smooth working of the statute. In this latter connexion, he stated that the Portuguese had always made it their aim in Morocco to prevent friction, and, although he feared that the French would see in an increased Portuguese representation a weakening of their own position in the Assembly, they should recognise, if they wish the statute to succeed, that where many nationalities are working together any influence making for peace should be encouraged.

7. I replied that I could not in the least anticipate the views of His Majesty's Government. As M. Barjona was aware, His Majesty's Government had always desired to see the international régime established in Tangier, and had never been opposed in principle to anything that might strengthen its truly international character, but they had now come to a definite agreement with France, Spain and Italy as to the best practical form for this régime to take, and even should they be willing to cast their work once more into the melting pot, they could only do so with the full consent of their three chief collaborators, a course which I foresaw to be beset with difficulties.

8. There is, I think, some slight force in M. Barjona's contention that from a local point of view Portuguese interests are inadequately represented as compared with those, for instance, of Italy and Belgium. The numbers of the Portuguese colony are, I believe, approximately those quoted above, and their vested interests—chiefly, it must be admitted, those of the Bank Hassan, an old-established concern owned by a family of naturalised Jews—are certainly important, amounting, according to M. Barjona, to over 100 million francs in value. It is possible, therefore, that the Portuguese Government, if now moved to take a practical interest in Tangier, may cavil at the concessions made to Italy, and, perhaps with better grounds, at the preferential treatment accorded to Belgium.

9. In connexion with the possibility of some such demands as the above being presented by the Portuguese Government, it may be of interest to mention that the Spaniards are credited with the intention of doing their utmost to form a Latin block in the Legislative Assembly by enlisting the support of the new Italian representatives when appointed. They have long been chafing under the yoke imposed upon them by their numerical inferiority, and they dislike to see the French holding the lead. It may well be, therefore, that on those grounds and in the hope of future support they may look upon M. Barjona's proposals with a favourable eye.

I have, &c.
W. L. BOND.

[W 7643/7471/28] No. 43.

Lord Cushendun to Mr. Henderson (Paris).

(No. 1875.)

Sir, *Foreign Office, August* 20, 1928.

THE Portuguese Chargé d'Affaires called recently to communicate a memorandum, of which I enclose a copy, on the subject of the desire of the Portuguese Government to improve the position at Tangier allotted to them by the Tangier Convention of 1923 as modified by the Tangier Protocol of the 25th July last. In making this communication M. Bastos explained that his Government attached enormous importance to the question. The political situation in Portugal was well-known in this country and he need not, therefore, emphasise that the Portuguese Government must, at any cost, uphold national prestige in foreign affairs if they were to maintain their own prestige at home.

2. M. Bastos was informed in reply that even with the greatest goodwill on the part of all concerned it would be difficult to meet the request of the Portuguese

Government. The recent Tangier Conference was definitely over, and the Powers which had taken part could not face the prospect of reopening negotiations which had only been brought to a successful conclusion after four months of arduous labour. Moreover, from the purely local point of view, the Portuguese demand was beset with practical difficulties. The number of important posts in a small administration like that of Tangier was exceedingly limited. These posts were already filled, and to meet the request of the Portuguese Government it would be necessary either to devise a redundant post, which would impose an unnecessary financial burden on the zone, or allot an existing post to Portugal at the expense of some other Power. For financial reasons the first alternative was out of the question, whilst the second alternative would certainly be unpalatable to signatory Powers, who would be most unlikely to agree to abandon the least part of what they had so hardly won. His Majesty's Government had already incurred some criticism by sacrificing a judgeship on the Mixed Tribunal in the common interest, and they could not fairly be expected to make further sacrifices. The only possibility of improving the position of Portugal, without unnecessarily increasing the financial burden on the zone or encroaching on the rights of other Powers, would be to allot Portugal a second seat in the International Assembly. Even on this point difficulties would arise from the fact that it would be necessary to secure the assent of the other signatories, and to find a means of putting this further amendment of the statute into force. M. Bastos replied that he could understand the difficulties, but that the Portuguese Government were determined to insist on some concession at Tangier in return for their accession to the new protocol. They left it to His Majesty's Government to consider the question and to find a way out. He added that the Portuguese representative in Paris had made similar representations to the French Government.

3. On grounds of equity and expediency I am disposed to accede, if possible, to the request of the Portuguese Government. As you will see from the despatch from the acting British consul-general at Tangier, of which I enclose a copy, the Portuguese colony is approximately equal, if not superior in numbers, to the Italian and British colonies, whilst their vested interests, although possibly not proportionately as large, are of considerable importance. In the circumstances it seems inequitable that Portugal should be in an inferior position to that of Belgium, whose colony numbers approximately thirty, and whose local interests are comparatively insignificant. It is, of course, true that a judgeship on the Mixed Tribunal has been allotted to Belgium in compensation for the transfer of the command of the gendarmerie to a Spanish officer, but this consideration can scarcely be expected to console the Portuguese Government. From the point of view of expediency there is every reason to satisfy the Portuguese demand. You will recollect that the refusal of Italy to accede to the convention of 1923 was the cause of innumerable difficulties to the International Administration and eventually brought the French Government to make concessions to Italy, to which they would probably not otherwise have consented. It would be ironical if the sacrifices which the three original signatories of the Tangier Convention have made to secure the accession of Italy fail to ameliorate the local situation and merely lead to the perpetuation of the same difficulties, this time on the part of the equally numerous Portuguese colony. It may be urged that a concession to Portugal will lead to similar demands from the Netherlands and Belgium, but this, I think, is a risk which must be faced.

4. Before communicating with the Italian and Spanish Governments I should be glad to have the views of the French Government and in particular to learn what reply they have returned to the representations which, I am informed, were made by the Portuguese representative in Paris. In making these enquiries I request that you will communicate to the Quai d'Orsay the substance of this despatch and explain the grounds on which I hope that it will be possible to find a means of giving satisfaction to the Portuguese Government.

I am, &c.
CUSHENDUN.

[W 9557/12/28] No. 44.

Earl Granville to Lord Cushendun.—(Received October 6.)

(No. 783.)
My Lord, *Brussels, October 5, 1928.*

I HAVE the honour to inform you that I have received a communication from my French colleague enclosing the draft of an identic note to be addressed to the Belgian Ministry for Foreign Affairs requesting the adherence of the Belgian Government to the Tangier Protocol which was ratified on the 14th September last.

2. I am at present without instructions on this matter and should be grateful if you would be good enough to inform me whether I should act with my French colleague as proposed by him. A copy of M. Herbette's draft is enclosed, together with the draft in English of the note which I would propose to address to the Belgian Government.

I have, &c.
GRANVILLE.

Enclosure 1 in No. 44.

Draft Note from M. Herbette to M. Hymans.

M. le Ministre, *Bruxelles, le octobre* 1928.

J'AI l'honneur de faire connaître à votre Excellence que les accords relatifs au Statut de Tanger conclus entre les Gouvernements anglais, espagnol, français et italien le 25 juillet 1928, ont été ratifiés le 14 septembre dernier par les quatre Puissances signataires.

D'ordre de mon Gouvernement, j'ai l'honneur de solliciter l'adhésion du Gouvernement royal à ces actes.

Veuillez, &c.

Enclosure 2 in No. 44.

Draft Note from Earl Granville to M. Hymans.

M. le Ministre, *Brussels, October , 1928.*

I HAVE the honour to inform your Excellency that the agreements relating to the Tangier Statute which were come to between the French, Spanish, Italian and British Governments on the 25th July, 1928, were ratified on the 14th September by the four signatory Powers.

2. On instructions from my Government, I have the honour to solicit the adherence of the Belgian Government to these agreements.

I avail, &c.

[W 9762/12/28] No. 45.

Sir T. Vaughan to Lord Cushendun.—(Received October 11.)

(No. 19.)
(Telegraphic.) R. *Stockholm, October 11, 1928.*

FRENCH and Italian Ministers have already invited Swedish Government to adhere to Tangier Agreement, and I understand that Government are willing to do so as soon as British and Spanish representatives have addressed similar request to them. French Minister told me before he went on leave last week that he had been instructed to concert with his three colleagues, who would receive instructions.

[W 9762/12/28] No. 46.

Lord Cushendun to Sir T. Vaughan (Stockholm).

(No. 15.)
(Telegraphic.) R. *Foreign Office, October 12, 1928.*

YOUR telegram No. 19 of 11th October: Accession of Swedish Government to Tangier Protocol.

Please invite accession of Swedish Government in terms employed by your French and Italian colleagues.

[W 9557/12/28] No. 47.

Lord Cushendun to Earl Granville (Brussels).

(No. 657.)
My Lord, *Foreign Office, October 12, 1928.*

I HAVE received your Lordship's despatch No. 783 of the 5th instant, and I approve the terms of the note which you propose to address to the Belgian Government, in concert with your French colleague, inviting their accession to the Tangier Protocol of the 25th July last

I am, &c
CUSHENDUN.

[W 9539/12/28] No. 48.

Lord Cushendun to Sir W. Tyrrell (Paris).

(No. 2296.)
Sir, *Foreign Office, October 13, 1928.*

IN a note of the 3rd instant, the French Ambassador requested that instructions might be sent to His Majesty's representatives at Brussels, The Hague, Lisbon and Stockholm to concert with their French, Italian and Spanish colleagues in inviting the Governments to which they are accredited to accede to the Tangier Protocol of the 25th July last. The French Government, his Excellency added, were addressing a similar request to the Italian and Spanish Governments.

2. In so far as Belgium, Holland and Sweden are concerned, I am ready at once to fall in with this request, and have sent the necessary instructions to His Majesty's representatives in those countries. As regards Portugal, however, the matter requires a little further consideration. As your Excellency is aware, the Portuguese Government have intimated in London, and, I am informed, also in Paris, that they attach great importance to securing a larger share in the administration of Tangier, and there is some reason to fear that they may go the length of making the satisfaction of this desire a condition of their accession. It may not be possible to meet their requirements in whole, or even in part, but it is evident that, if the negotiations are not carefully handled, the signatory Powers will run the risk of receiving a rebuff which would ultimately prove the cause of grave embarrassment to the international administration. In the circumstances I am reluctant to join in inviting the accession of the Portuguese Government without replying to their representations. Apart from the question of courtesy, such a course might well drive them, in a moment of irritation, to adopt an intransigent attitude from which they might afterwards find it difficult to recede.

3. I shall be glad if your Excellency will represent these considerations, if necessary, verbally, to the French Government and will inform them that I shall be glad, before further considering the matter, to receive a reply to your note of the 24th August last.

I am, &c.
CUSHENDUN.

[W 9514/12/28] No. 49.

Lord Cushendun to Sir O. Russell (The Hague).

(No. 358.)

Sir, *Foreign Office, October* 15, 1928.

I HAVE had under consideration your telegram No. 19 of the 4th instant, in which you ask for authority to approach the Netherlands Government, in concert with your French colleague, with the view to secure their accession to the Tangier Protocol of the 25th July last.

2. The relatively unsatisfactory position of Holland under the new régime established by the protocol renders it necessary to be careful and tactful in the manner of approaching the Netherlands Government to this end. As a result of the conference which negotiated that instrument, Spain improved considerably on the position which she held under the convention of 1923; Italy obtained a share in the administration roughly equal to that of Great Britain; Belgium obtained the reversion of a seat on the Mixed Tribunal in compensation for the loss of the command of the gendarmerie, to which a Spanish officer was appointed in lieu of the Belgian commandant appointed under the original convention; lastly, the extent, if any, to which the demand of Portugal for an increased share in the administration can be met is at present under consideration, though the fact is probably unknown to the Netherlands Government. With the exception therefore of France and Great Britain, who both made sacrifices for the sake of agreement, and of Sweden, who has no local interests, Holland may be in the position of the only Power not to derive some advantage from the revised settlement. This fact will probably not escape the Netherlands Government, and may even dispose them to withhold their accession, a contingency which I should deplore in view of the strong and consistent support which the Dutch representative has given in the Committee of Control to the international administration.

3. Fortunately the protocol provides the means whereby Holland, if such an arrangement were agreeable to the Netherlands Government, might be granted a share in the administration of justice at Tangier. Article 5 of the special provisions lays down that a committee of jurists shall meet in Paris early next year to elaborate a revised scheme for the international tribunal, one of the features of which is to be a court of cassation composed of magistrates belonging to the Supreme Court of a country not represented in the international tribunal of Tangier. The arrangement contemplated is that appellants desiring to bring their cases before a court of cassation shall do so at their own expense in the Supreme Court of the Power designated. The reputation of Dutch jurisprudence is so high that I should in any event be disposed to favour the selection of Holland for this high distinction, but I should particularly welcome it if, in present circumstances, the proposal were agreeable to the Netherlands Government.

4. In inviting the accession of Holland to the protocol I shall accordingly be glad if you will seek an interview with the Minister for Foreign Affairs and thank him for the consistent support which the Netherlands Government have always afforded to the international administration, the continued maintenance of which is in the interest of both countries. You should then explain the proposal to establish a court of cassation and intimate to him confidentially that, in order to secure the participation of Holland in the administration of justice, His Majesty's Government would like, if the Netherlands Government are agreeable, to propose at the meeting of the Committee of Jurists next year that the Netherlands Cour de Cassation shall be designated as the Supreme Court of Appeal for Tangier.

5. A copy of the Tangier Protocol is enclosed herewith for convenience of reference.

I am, &c.
CUSHENDUN.

[W 9998/12/28] No. 50.

Sir W. Tyrrell to Lord Cushendun.—(Received October 19.)

(No. 1738.)

My Lord, *Paris, October* 18, 1928.

I HAVE the honour to inform your Lordship, with reference to your despatch No. 2296 of the 13th October, that on the 17th October I sent a member of the Embassy to see the head of the African Department of the Ministry for Foreign Affairs with regard to the accession of the Belgian, Netherlands, Portuguese and Swedish Governments to the Tangier Protocol.

2. M. de Saint-Quentin was informed that, so far as Belgium, Holland and Sweden were concerned, instructions had been sent to His Majesty's representatives in those countries to concert with their French, Italian and Spanish colleagues in inviting the respective Governments to accede to the protocol. As regards Portugal, M. de Saint-Quentin's attention was drawn to the observations contained in paragraph 2 of your despatch No. 2296, and he was informed that, before considering the matter further, His Majesty's Embassy would be glad to receive a reply to the note which, on your instructions, His Majesty's Minister addressed to the Minister for Foreign Affairs on the 24th August.

3. M. de Saint-Quentin apologised for the failure to reply to this note. It had been due to an oversight which would now be remedied. He explained that, in fact, M. Berthelot had seen the Portuguese Minister in Paris on the 13th August, and had told him that the protocol represented an agreement on the part of four Powers, that in accordance with the precedent of 1923 it was being submitted in its definitive and final form to the other signatories of the Act of Algeciras, and that Portugal's request for compensation in return for her accession was quite unjustified, since for her the protocol implied no sacrifice. In order to secure the protocol France had consented to make considerable sacrifices to Spain, and, at a later stage, France, Spain and Great Britain had all made sacrifices to Italy. The judgeship on the Mixed Tribunal allotted to Belgium represented compensation for the transfer of the gendarmerie to a Spanish officer. Portugal had sacrificed nothing at all. M. Berthelot apparently also explained to the Portuguese Minister that an attempt at this stage to satisfy the Portuguese request might jeopardise the settlement reached with such great difficulty. He promised, however, that the Portuguese request would be examined with benevolence when the moment came for revising the statute. I understand that this will be in 1937. M. de Saint-Quentin added that immediately after M. Berthelot's interview with the Portuguese Minister in Paris instructions were sent to the French Minister in Lisbon to give verbally a similar undertaking to the Portuguese Minister for Foreign Affairs.

4. M. de Saint-Quentin then stated that he had recently received a visit from the Netherlands Minister, who had, like his Portuguese colleague, expressed the dissatisfaction of his Government at the settlement reached without prior consultation with the Netherlands Government. M. de Saint-Quentin explained the situation to him, and gathered that M. Lowdon's personal view was that, if The Hague Court of Cassation could be given the right of forming the commission which under the protocol is to act as a court of cassation for Tangier (see your despatch No. 358 to The Hague of the 15th October), his Government would receive all the satisfaction they required. M. de Saint-Quentin said that his view was that the question might thus be satisfactorily arranged, since it was specifically stated in the protocol that this right would accrue to a country not represented on the tribunal.

5. M. de Saint-Quentin, having stated that no difficulty was to be anticipated as regards Sweden, was asked whether he really thought that Portugal was likely to be satisfied with the vague promises made by M. Berthelot and the French Minister in Lisbon (see paragraph 3 above). M. de Saint-Quentin said that he did not know, but that he thought that of all the proposals made for giving Portugal satisfaction, the only possible one was that under which she should be allotted a second seat in the International Assembly. Were the second seat allotted to her, however, there would very probably be difficulties from Spain.

6. My personal impression is that the French Government will not seriously oppose the allocation of a second seat in the International Assembly to Portugal provided a means can be found of securing Spanish and Italian consent. The burden of securing that consent is, however, I think, likely to be left, so far as the French Government are concerned, to His Majesty's Government.

I have, &c.
W. TYRRELL

[W 10239/12/28] No. 51.

Sir O. Russell to Lord Cushendun.—(Received October 26.)

(No. 401.)

My Lord, *The Hague, October 22, 1928.*

I HAVE the honour to report that on receipt of your telegram No. 32 of the 19th instant I lost no time, in concert with my French colleague, in addressing notes to the Netherlands Government inviting their accession to the Tangier Protocol of the 25th July last. These notes, together with similar notes from the Italian and Spanish Ministers, whose co-operation the French Minister had been instructed to invoke, were handed in on Saturday evening last. This afternoon I had an opportunity, in compliance with the instructions contained at the end of your despatch No. 358 of the 15th instant, of making the private verbal communication with regard to the future administration of justice at Tangier. The tribute paid to Dutch jurisprudence, though causing evident satisfaction to the Minister, failed to elicit any definite pronouncement. This is perhaps intelligible as the point can no doubt only be considered in its relation to the larger question of the position of the Netherlands since the signature of the Tangier Protocol. With regard to this position M. Beelaerts told me that he had already instructed the Netherlands Minister in London to hand you copy of a note which he had addressed to the French Government defining the awkward situation which had arisen by the exclusion of his Government from the negotiations which preceded the signature of the protocol. His Excellency added that until he had received reports from the Netherlands Ministers in Paris and London he must withhold his reply to the invitation to accede to the Tangier Protocol.

I have, &c.
ODO RUSSELL.

[W 10298/12/28] No. 52.

Mr. Dodds to Lord Cushendun.—(Received October 29.)

(No. 205.)

My Lord, *Stockholm, October 22, 1928.*

IN accordance with the terms of your Lordship's telegram No. 15 of the 12th October, Sir Tudor Vaughan duly addressed a note to the Swedish Government inviting their accession to the recently-concluded Tangier Agreement.

2. I have now received a reply from the Minister for Foreign Affairs, of which a copy is enclosed herewith, informing me that the Swedish Government have decided to accede to the agreement revising the Convention of the 18th December, 1923, relating to the organisation of the statute of the Tangier Zone, and that they have taken note of the other agreements signed on the 25th July last.

3. M. Trygger adds that he takes advantage of this occasion to remind the signatory Powers that the Swedish Government, when acceding to the Convention of the 18th December, 1923, made the following declaration :—

> "It is understood that this accession implies the renunciation by Sweden of her capitulatory rights in the said zone for the duration of the validity of the convention only, and that, in the event of the Swedish Government appointing a consul 'de carrière' to Tangier, he would be a member of the Committee of Control under article 30 of the convention."

4. This declaration was contained in a note on the subject of which Sir Arthur Grant Duff had the honour to transmit a copy in his despatch No. 371 of the 23rd September, 1924.

I have, &c.
J. L. DODDS.

Enclosure in No. 52.

M. Trygger to Sir T. Vaughan.

M. le Ministre, *Stockholm, le 19 octobre 1928.*

PAR lettre en date du 16 octobre 1928, vous avez bien voulu, d'ordre de votre Gouvernement, solliciter l'adhésion du Gouvernement royal aux accords concernant le Statut de Tanger, signés à Paris le 25 juillet 1928 entre l'Espagne, la France, la Grande-Bretagne et l'Italie et ratifiés le 14 septembre 1928 par les Puissances signataires.

En réponse à cette communication, j'ai l'honneur, par la présente, de porter officiellement à votre connaissance que le Gouvernement du Roi a décidé, en date de ce jour, d'adhérer à l'accord portant revision de la convention du 18 décembre 1923 relative à l'organisation du Statut de la Zone de Tanger.

Quant aux autres parties de l'accord de Paris du 25 juillet 1928, le Gouvernement du Roi a pris bonne note de leur contenu.

A cette occasion, je me permets de rappeler aux Puissances signataires que le Gouvernement royal, en adhérant à la convention du 18 décembre 1923, a fait la déclaration suivante :

> " Il est bien entendu que cette adhésion n'implique une renonciation par la Suède au régime capitulaire dans la zone en question que pour la durée de la validité de la convention et que, dans l'éventualité où le Gouvernement du Roi nommerait à Tanger un consul de carrière, celui-ci serait, conformément à l'article 30, membre du Comité de Contrôle y prévu."

Veuillez, &c.
ERNST TRYGGER.

[W 10366/12/28] No. 53.

M. Rosado to Sir V. Wellesley.—(Received October 30.)

Ambassade de Portugal,
Londres, le 26 octobre 1928.

Mon cher Sir Victor Wellesley,

JE vous remercie du mémorandum que vous m'avez remis hier en réponse à l'entretien que nous avions eu le 20 courant sur les affaires de Tanger et de Macau, et encore sur la note verbale que je dois remettre à Lord Cushendun concernant les propositions dont mon Gouvernement a été saisi pour l'établissement de carrières régulières de navigation aérienne entre mon pays et ses colonies africaines.

Malgré la sympathie avec laquelle le Gouvernement de Sa Majesté accueille et toujours accueillera les demandes du Gouvernement portugais, qui sera heureux d'en avoir eu encore une fois l'assurance exprimée dans votre mémorandum, celui-ci, accentuant les difficultés pratiques pour l'élargissement de la représentation de mon pays dans l'administration de Tanger, appelle l'attention sur le fait que, la Grande-Bretagne et la France ayant fait des sacrifices considérables, pendant les récentes négociations, pour arriver à un accord, mon pays maintient pleinement la position qu'il occupe suivant le statut de 1923.

Sans répéter les raisons sur lesquelles mon Gouvernement appuie sa demande, et en attendant les instructions qu'il voudra bien me faire parvenir, il me sera permis, personnellement, de rappeler que jamais mon pays n'a estimé satisfaisante la position que lui a faite le statut de 1923, auquel il n'a donné sa ratification que par des raisons que vous connaissez.

Je vous prie, &c.
TH. A. GARCIA ROSADO.

[W 10375/12/28] No. 54.

Note verbale communicated by the Netherlands Minister.—(Received October 30.)

LE Gouvernement des Pays-Bas a reçu par l'intermédiaire de la Légation de la Reine la communication du protocole final, en date du 25 juillet dernier, de la conférence de Paris relative à certaines questions concernant le Statut de Tanger, accompagné de divers accords relatifs à ce statut.

Le Gouvernement de la Reine a appris avec satisfaction que les Gouvernements britannique, français et espagnol ont trouvé moyen de se mettre d'accord pour la solution, pour ce qui les concerne, de certaines difficultés qui avaient surgi et pour rendre en même temps possible l'adhésion de l'Italie au Statut de Tanger et s'est empressé d'étudier les textes qui lui ont été envoyés.

Cette étude avait fait surgir quelques doutes par rapport à la procédure envisagée pour la mise en vigueur des accords communiqués. Le paragraphe 3 de l'Accord (A), ainsi que le paragraphe 8 des Dispositions particulières (C), ne mentionnent pas l'adhésion à demander aux autres Puissances parties de la convention de 1923 et parlent seulement d'une communication à faire à ces Puissances. Et le paragraphe 4 de l'Accord (A) contient une disposition concernant l'entrée en vigueur de cet accord qui paraissait manquer de clarté. Croyant devoir comprendre cette disposition dans ce sens que l'accord deviendrait définitif entre les quatre parties qui l'avaient conclu, pour que, ensuite, les autres Puissances soient invitées à procéder ensemble avec la Grande-Bretagne, la France et l'Espagne à la modification de la convention de 1923, le Gouvernement néerlandais avait chargé la Légation de prendre des renseignements pour s'assurer de la portée des stipulations dont il s'agit; c'est alors qu'il a appris, à son vif étonnement, que l'intention des parties des accords de Paris avait été de considérer la convention de 1923 comme modifiée par ces accords mêmes, et que par conséquent ces modifications entreraient en vigueur trois mois après le dépôt des ratifications des accords *par les seules Puissances* qui les avaient conclues, c'est-à-dire le 14 décembre.

Les Pays-Bas ayant adhéré à la convention de 1923 concernant le Statut de Tanger, une modification de cette convention pour être valable semble avoir besoin de l'adhésion des Pays-Bas. Le Gouvernement néerlandais a déjà fait ressortir en 1923 le grand intérêt qu'il prend au Statut de Tanger, tant en vertu de la place que les Pays-Bas ont toujours occupé dans les relations du Maroc qu'en vertu des grands intérêts de la marine marchande néerlandaise, qui occupe une des premières places dans le mouvement des ports du Maroc. Si pour la revision du Statut de Tanger on n'a pas adopté la procédure d'une conférence internationale de tous les États intéressés, le Gouvernement néerlandais a été toutefois confiant que le résultat provisoire atteint par le concours des quatre Puissances lui serait soumis et qu'il serait bien entendu que le Statut de Tanger ne pouvait être modifié avant que les modifications proposées eussent obtenu l'approbation du Gouvernement des Pays-Bas, comme du reste celle des autres Puissances qui sont parties à la convention de 1923. Le Gouvernement néerlandais ne peut, du reste, adhérer à ces modifications qu'avec l'assentiment des deux Chambres des États généraux.

La nécessité de l'adhésion des Pays-Bas aux modifications du Statut de Tanger est particulièrement évidente par le fait que la convention de 1923 contient un règlement du statut par lequel, dans les conditions y contenues, les Pays-Bas ont abandonné leurs droits à la juridiction consulaire et en général ont renoncé au régime des Capitulations dans la zone. Il va sans dire que ces conditions ne peuvent être modifiées sans le concours des Pays-Bas.

Les accords de 1928 contiennent plusieurs modifications importantes, dont l'utilité ne ressort pas aux yeux du Gouvernement des Pays-Bas, les textes lui ayant été communiqués sans aucun commentaire ou exposé des motifs. Parmi ces modifications, il y en a qui sont importantes: par exemple l'institution d'un inspecteur général par l'article 10 de l'Accord (A); la modification de l'article 3, qui enlève aux Puissances telles que les Pays-Bas le droit de désigner un officier auprès de son consulat; l'article 48, par lequel des juges italiens et belges sont admis à la Cour mixte, aucune mention n'étant faite de la possibilité de nommer un juge néerlandais; les paragraphes 1–5 des "Dispositions particulières contenues dans l'Accord (C) et ayant trait à la juridiction internationale de la zone."

S'il entrait, en effet, dans les intentions des Gouvernements français, britannique et espagnol de faire entrer en vigueur le 14 décembre prochain, pour autant qu'il les concerne, les modifications du Statut de Tanger envisagées par les accords de

Paris et à moins qu'une forme ne soit trouvé par les trois Puissances par laquelle justice serait faite aux droits des Pays-Bas qui comportent qu'une modification de la convention de 1923 n'entre pas en vigueur sans son concours, une situation difficile serait créée et le Gouvernement néerlandais devrait se réserver son attitude à l'égard du statut. En effet, il est difficile de concevoir comment le statut pourrait fonctionner en même temps selon le texte amendé entre les Puissances qui ont accepté les modifications et selon son texte de 1923 pour ce qui concerne les Pays-Bas.

[W 10375/12/28] No. 55.

Lord Cushendun to Sir W. Tyrrell (Paris).

(No. 2422.)

Sir, *Foreign Office, October* 30, 1928.

I TRANSMIT herewith a copy of a memorandum communicated by the Netherlands Minister respecting the attitude of his Government in regard to the Tangier Protocol of the 25th July, 1928.*

2. M. van Swinderen explained that his Government took serious exception to the manner in which the protocol had been submitted for their approval. From the reply given to the enquiry of the Dutch representative in Paris, it has appeared that the new protocol was to be put into force on the 14th December whether or not it had received by that date the approval of the Netherlands and the other Governments concerned. In other words, these Governments were being faced with a *fait accompli*, and were thus being treated in a most cavalier manner. This was a position which the Netherlands Government could not accept. Indeed, even if they were ready to do so, it would be quite impossible to secure the necessary approval of the States-General. Whilst the Netherlands Government were not anxious to make trouble, they must insist on satisfaction in regard to the question of principle which they had raised. It was a matter of form, and he intimated that it would probably be sufficient if the date of the entry into force of the protocol were postponed a month or so, ostensibly to allow his Government sufficient time for consideration.

3. In making this communication, M. van Swinderen emphasised that he wished to deal with the matter in a friendly and more or less informal manner, but that if by the beginning of next week he had not received some satisfactory assurance he would have no alternative but to make formal and energetic representation which might have disagreeable consequences.

4. I must confess to some sympathy with the point of view of the Netherlands Government, and I should be disposed to do anything within reason to secure their early accession rather than face the anomalous and awkward situation which would be created by their refusal to accede, especially if it gave rise to a similar attitude on the part of other Governments which might follow their example. I shall be glad if your Excellency will lose no time in informing the French Government of the substance of this despatch and in ascertaining their views. It would also be desirable to keep your Spanish and Italian colleagues informed.

5. In view of the urgency of M. van Swinderen's representations, I shall be grateful for an early reply.

I am, &c.
CUSHENDUN.

[W 10256/12/28] No. 56.

Lord Cushendun to Sir C. Barclay (Lisbon).

(No. 405.)

Sir, *Foreign Office, October* 30, 1928.

WITH reference to my despatch No. 387 of the 15th instant, I transmit herewith a copy of a despatch from His Majesty's Ambassador at Paris,† in which he reports that the French Government are unwilling to accede to the request of the Portuguese Government for increased representation in the administration of Tangier, but that they are prepared to examine the matter with benevolence when the time comes to revise the statute.

* No. 54. † No. 50.

2. After careful consideration I have decided not to attempt to induce the French Government to modify their attitude, and I have informed the Portuguese Ambassador accordingly in a memorandum, of which I enclose a copy.

3. The grounds on which I reached this decision may be summarised as follows: The revision of the Tangier Statute, which began in March of this year, was given the widest publicity, and the present Portuguese Government, who were then in power, must have been aware of the existence and object of the conference. Agreement was only reached after four months of difficult negotiation, and it is inconsiderate and unreasonable of the Portuguese Government to wait until after the new protocol was actually signed to put forward a demand which involves still further modifications of the statute. Even so, in view of the close relations between Portugal and this country, I should have been disposed to accede to the request, had it been practicable to do so. Unfortunately, the difficulties are at present insuperable. Not only would the assent of the signatory Powers have to be obtained, but it would also be necessary to conclude a new instrument, which would, in turn, have to be submitted to the other parties to the Tangier Convention. From the information in my possession it is probable that some of these would make their approval conditional on their own positions being similarly improved, and thus the whole Tangier question would once again be reopened. This is an eventuality which none of the signatory Powers can afford to risk.

4. I shall be glad if your Excellency will seek an interview with the Minister for Foreign Affairs and explain to him the reasons, as set forth above, for which His Majesty's Government, to their regret, are debarred from following their inclinations in this matter until such time as the Tangier Statute comes up for revision. Should Dr. Bettencourt Rodrigues revert to the argument that Portugal deserves some compensation for her consistent support of British policy in Tangier, you should remind his Excellency that the policy which His Majesty's Government have pursued is no more in the interest of Great Britain than of any country which desires to maintain intact its economic and political rights in Tangier. At the moment when the Tangier Convention was concluded in 1923, the French Government were virtually in control of the Tangier zone, and it was only after a long struggle in which His Majesty's Government took a leading part that the tide of French encroachment was stemmed and the rights of other countries placed on an unassailable basis. Subsequently the claim of Spain to the incorporation of Tangier in the Spanish zone threatened the maintenance of the international régime. In order to avert this danger both the British and French Governments have made important concessions, and they have some right to expect that their efforts should not be rendered nugatory by Powers for whom the recent negotiations have involved no sacrifice. To place difficulties in the way of the international administration for the sake of a local post is in the long run as little to the interest of Portugal as of Great Britain. This argument may seem specious, but it is sound, and the sacrifices made by His Majesty's Government at the recent conference demonstrate their sincerity in advancing it.

I am, &c.
CUSHENDUN.

Enclosure in No. 56.

Memorandum for the Portuguese Ambassador.

SINCE the conversation between his Excellency the Portuguese Ambassador and Sir Victor Wellesley on the 20th October an answer has been received from the French Government to the enquiries of His Majesty's Government in regard to the desire of the Portuguese Government for increased representation in the administration of Tangier. As His Majesty's Government had feared, the French Government, although they have no objection in principle to acceding to the request of the Portuguese Government, consider that the practical difficulty of doing so at the present time is insuperable. It is understood that they have made a communication to this effect to the Portuguese representative in Paris.

Sympathetic as His Majesty's Government are, and always will be, towards any wish of the Portuguese Government, they must confess that they are as much impressed as the French Government with the practical difficulty. It would be impossible to allocate an additional seat in the International Assembly to Portugal

without revising the protocol, which was only concluded after four months of difficult and delicate negotiation. Such a revision would almost inevitably give rise to demands from other quarters, and might even lead to the reopening of the whole Tangier question.

It should be borne in mind that whilst Great Britain and France, for the sake of reaching agreement, both made considerable sacrifices during the recent negotiations, Portugal will fully maintain the position which she held under the 1923 statute. In their anxiety, nevertheless, to give satisfaction to Portugal, His Majesty's Government undertake to examine with the utmost benevolence any desiderata put forward by the Portuguese Government when the existing statute comes up for revision.

It is unnecessary to trouble his Excellency in regard to the other point to which he referred, namely, the development of aviation schemes in Portugal, since the views of His Majesty's Government have been fully explained to Dr. Bettencourt Rodrigues by His Majesty's representative at Lisbon.

As regards Macao, the position is as follows:—

Some time ago the question of the revision of the 1887 treaty arose between China and Portugal, but it was generally believed that the Chinese would not raise the question of Macao. On the 26th September, however, a representative of Mr. C. T. Wang called on the Portuguese Minister, then at Shanghai, and stated that the Nanking Government expected the cancellation of all provisions of the treaty, including those concerning Macao, and handed him a draft treaty to that effect. About the same time a report was published in the Canton press that the local Commissioner for Foreign Affairs (Chu Chao-Hsin) had been appointed by the Nanking authorities to conduct negotiations for a settlement of the question of Macao.

The Portuguese Minister sent this information to His Majesty's Minister at Peking and reminded him that the 5th October was the Portuguese National Day, and added that the presence of a British man-of-war at Macao on that date would be of timely assistance. Sir M. Lampson recommended that this request should be complied with.

The Portuguese Chargé d'Affaires in London repeated this information and request in a communication dated the 2nd October, which he handed to Mr. Mounsey. He was informed that the Commander-in-chief of the China station was being asked to despatch a warship for the celebrations on the 5th October, if available. It is understood that a ship was sent.

Meanwhile, Mr. C. T. Wang has assured the Portuguese Minister that his representative was not authorised to raise the Macao question, and that the commissioner at Canton had merely been authorised to undertake delimitation negotiations. This information was at once communicated by the Foreign Office to the Portuguese Embassy. Mr. Chu has also assured the acting British consul-general at Canton that he never authorised the statement in the local press, and that the report was untrue.

Foreign Office, October 25, 1928.

[W 10422/12/28] No. 57.

Sir W. Tyrrell to Lord Cushendun.—(Received November 1.)

(No. 1824.)

My Lord, *Paris, October* 31, 1928.

I HAVE the honour to inform your Lordship that, in accordance with the instructions contained in your despatch No. 2422 of the 30th October, I asked a member of the Embassy this afternoon to see M. de Saint-Quentin, the head of the African Department of the Ministry for Foreign Affairs, with regard to the accession of the Netherlands Government to the Tangier Protocol.

2. The substance of your despatch was communicated verbally to M. de Saint-Quentin, who said that a *note verbale* similar to that communicated to you by the Netherlands Minister in London had been handed to the Ministry for Foreign Affairs by the Netherlands Minister in Paris. M. de Saint-Quentin said that there was no objection, so far as the French Government were concerned, to the postponement by a month or so of the date of the entry into force of the protocol if that would give the Netherlands Government satisfaction. He thought that the best

procedure would be for him to prepare the draft of a reply to the *note verbale* communicated by the Netherlands representatives at Paris and London, which he would send to this Embassy for transmission to you by the end of the week. He could not promise it earlier, as to-morrow, the 1st November, as well as the 2nd November, are holidays in France.

3. M. de Saint-Quentin's attention was drawn to M. van Swinderen's statement that, if by the beginning of next week he had not received some satisfactory assurance, he would have no alternative but to make formal and energetic representations. He replied that M. van Swinderen must content himself with the promise that a written and friendly reply would be returned to his *note verbale* in the course of next week.

4. M. de Saint-Quentin was informed of your wish that I should keep my Spanish and Italian colleagues informed of what was passing in this matter. He entirely agreed, and I am getting into touch to-night with both these Embassies.

I have, &c.
W. TYRRELL.

[W 10584/12/28]

No. 58.

Sir W. Tyrrell to Lord Cushendun.—(Received November 7.)

(No. 1851.)

My Lord, *Paris, November 6, 1928.*

WITH reference to my despatch No. 824 of the 31st October, I have the honour to transmit to your Lordship herewith a copy of a memorandum addressed to the Ministry for Foreign Affairs by the Netherlands Legation in Paris with regard to the accession of the Netherlands Government to the Tangier Protocol.

2. I have the honour also to enclose copies of the draft of the reply which the Ministry for Foreign Affairs suggest should be returned to this memorandum and to the similar memoranda which are understood to have been addressed to the Spanish and Italian Governments, as well as to His Majesty's Government.

3. The Ministry for Foreign Affairs consider that it would be desirable that the replies of the four Governments to the Netherlands Government should be, if not identic, at least very similar. Copies of this draft reply have been sent by the Ministry for Foreign Affairs to the Spanish and Italian Embassies.

4. The Ministry for Foreign Affairs ask that they may be informed with the least possible delay whether you approve the draft and, if not, what modifications you desire inserted.

I have, &c.
W. TYRRELL.

Enclosure 1 in No. 58.

Memorandum addressed by the Netherlands Legation to the French Ministry for Foreign Affairs.

LE Gouvernement des Pays-Bas a reçu par l'intermédiaire de la Légation de la Reine la communication du protocole final, en date du 25 juillet dernier, de la Conférence de Paris relative à certaines questions concernant le Statut de Tanger et accompagné de divers accords relatifs à ce statut.

Le Gouvernement de la Reine a appris avec satisfaction que les Gouvernements français, britannique et espagnol ont réussi à se mettre d'accord pour la solution, en ce qui les concerne de certaines difficultés qui avaient surgi et pour rendre en même temps possible l'adhésion de l'Italie au Statut de Tanger. Aussi s'est-il empressé d'étudier les textes qui lui avaient été envoyés.

Cette étude avait fait surgir quelques doutes par rapport à la procédure envisagée pour la mise en vigueur des accords communiqués. Ainsi le paragraphe 3 de l'accord (A) et le paragraphe 8 des dispositions particulières (C) ne mentionnent pas l'adhésion à demander aux autres Puissances parties à la convention de 1923 et ne parlent que d'une simple communication à faire à ces Puissances. Quant au paragraphe 4 de l'accord (A), ses termes pouvaient porter à croire que l'accord entre les quatre parties qui l'avaient signé deviendrait définitif trois mois après le dépôt de leurs ratifications et que dès alors

les autres Puissances seraient invitées à procéder de concert avec la France, la Grande-Bretagne et l'Espagne à la modification de la convention de 1923. Les éclaircissements que le Gouvernement obtint par l'entremise de sa Légation lui apprirent à son vif étonnement que l'intention des Puissances parties aux accords de Paris avait été de considérer la convention de 1923 comme étant modifiée par ces accords mêmes, et que, par conséquent, ces modifications entreraient en vigueur trois mois après le dépôt des ratifications des accords par *les seules Puissances* qui les avaient conclus, c'est-à-dire le 14 décembre prochain.

Les Pays-Bas ayant adhéré à la convention de 1923 concernant le Statut de Tanger une modification de cette convention, pour être valable, aurait besoin de l'adhésion des Pays-Bas Le Gouvernement néerlandais a déjà fait ressortir en 1923 à quel point il s'intéresse au Statut de Tanger, non seulement à cause de la place que les Pays-Bas occupent de longue date dans les relations internationales avec le Maroc, mais aussi par suite de l'importance des intérêts de la marine marchande néerlandaise qui est parmi les plus considérables dans le mouvement des ports du Maroc. S'il est vrai que pour la revision du Statut de Tanger on n'a pas adopté la procédure d'une conférence internationale de tous les États intéressés, le Gouvernement néerlandais n'en a pas moins été confiant que le résultat provisoire, atteint par le concours des quatre Puissances, lui serait soumis et qu'il serait bien entendu que le Statut de Tanger ne pouvait être modifié avant que les modifications proposées eussent obtenu l'approbation du Gouvernement des Pays-Bas, comme celle des autres Puissances qui sont parties à la convention de 1923. Le Gouvernement néerlandais ne peut du reste adhérer à ces modifications qu'avec l'assentiment des deux chambres des États généraux.

La nécessité de l'adhésion des Pays-Bas aux modifications du Statut de Tanger est particulièrement évidente du fait que la convention de 1923 contient un règlement du statut par lequel, sous les conditions qui s'y trouvent formulées, les Pays-Bas ont abandonné leurs à la juridiction consulaire et, en général, ont renoncé au régime des Capitulations dans la zone. Il va de soi que ces conditions ne peuvent être modifiées sans le concours des Pays-Bas.

Les accords de 1928 contiennent plusieurs modifications importantes, dont, toutefois, il est difficile au Gouvernement des Pays-Bas de se former une opinion précise, les textes lui ayant été communiqués sans aucun commentaire ou exposé des motifs. Parmi ces modifications il y en a qui sont importantes, par exemple l'institution d'un poste d'inspecteur général prévue à l'article 10 de l'accord (A); la modification de l'article 3, qui enlève aux Puissances, telles que les Pays-Bas, le droit de désigner un officier auprès de leur consulat; l'article 48, par lequel des juges italiens et belges sont admis à la Cour mixte, aucune mention n'étant faite de la possibilité de nommer un juge néerlandais; les paragraphes 1–5 des "Dispositions particulières contenues dans l'Accord (C) et ayant trait à la juridiction internationale de la zone." S'il entrait dans les intentions des Gouvernements français, britannique et espagnol de procéder à la mise en vigueur des modifications du Statut de Tanger envisagées par les accords de Paris sans avoir obtenu l'adhésion du Gouvernement des Pays-Bas, il s'ensuivrait une situation pénible et le Gouvernement néerlandais devrait se réserver son attitude à l'égard du statut. En effet, il est difficile de concevoir comment le statut pourrait fonctionner simultanément selon deux textes différentes, à savoir celui de 1928 pour les Puissances qui auraient accepté les modifications et celui de 1923 pour celles qui ne les auraient pas acceptées.

Paris, le 25 octobre 1928.

Enclosure 2 in No. 58.

Projet de Note à la Légation des Pays-Bas.

LE Gouvernement des Pays-Bas a bien voulu, par l'intermédiaire de sa Légation à Paris, faire connaître, le 25 octobre dernier, au Gouvernement de la République les observations que les accords du 25 juillet 1928 relatifs au Statut de Tanger appelaient de sa part en ce qui concerne tant la procédure de mise en vigueur que le fond même de ces dispositions. Le Gouvernement de la République, après un examen attentif, poursuivi de concert avec les Gouvernements britannique, espagnol et italien, signataires comme lui des actes en question, croit être en mesure de répondre aux objections qui lui ont été ainsi présentées.

Le Gouvernement des Pays-Bas a témoigné sa surprise de ce que l'accord portant revision de la convention du 18 décembre 1923 ne mentionnât pas expressément l'adhésion à demander aux autres Puissances parties à ladite convention. Le caractère intentionnel de cette omission lui a paru trouver une confirmation dans le fait que le délai fixe imparti pour la mise en vigueur des accords a été compté à partir du dépôt des ratifications par les seules Puissances signataires.

Le Gouvernement de la République est heureux de donner au Gouvernement de la Reine l'assurance que ni lui ni ses cosignataires n'ont jamais entendu se dispenser de demander l'adhésion des Gouvernements qui avaient précédemment adhéré à la convention de 1923. Dès novembre 1926, en se mettant d'accord sur la procédure de revision du statut, ils avaient convenu qu'une fois l'accord établi entre eux au cours de conversations à quatre, ils " poursuivraient par la voie diplomatique l'assentiment des autre Puissances intéressées." Aussi bien la démarche collective qu'ils ont prescrit à leurs représentants d'effectuer auprès du Gouvernement néerlandais après le dépôt des ratifications sur les accords du 25 juillet dernier a-t-elle eu le caractère d'une demande d'adhésion et non d'une simple notification.

Le Gouvernement des Pays-Bas ne peut douter de la grande importance que le Gouvernement français et les cosignataires attachent à son adhésion, en raison non seulement de la qualité des intérêts qu'il possède à Tanger, mais encore des relations particulièrement amicables qu'ils entretiennent avec lui. Ils tiennent à donner une preuve de leurs dispositions en ajoutant d'un mois, c'est-à-dire au 14 janvier 1929, la mise en vigueur des accords, puisque le délai de trois mois, qu'ils avaient cru calculer largement, s'avère insuffisant pour permettre aux États généraux de se prononcer en toute connaissance de cause sur les textes qui doivent nécessairement leur être soumis.

Le Ministère des Affaires étrangères ne croit pouvoir mieux répondre aux questions qui lui ont été posées par la Légation des Pays-Bas sur certains points des accords qu'en indiquant brièvement les principales modifications apportées à la convention du 18 décembre 1923. Ces modifications peuvent se ramener à trois chefs principaux : mesures destinées à renforcer la sécurité de Tanger et des autres zones de Maroc, clauses relatives à la participation de l'Italie au statut, réorganisation de la juridiction internationale, cette dernière réforme étant, d'ailleurs, pour la plus grande part, simplement indiquée à l'état de projet.

Le corps de gendarmerie que l'article 47 de la convention du 18 décembre 1923 met à la disposition de l'Administrateur pour assurer la sécurité dans la zone devra être constitué en remplacement des tabors chérifiens qui seront dissous. La liaison étroite qui existe entre la sécurité de Tanger et la sécurité de la zone espagnole limitrophe a paru justifier que le commandement de la gendarmerie, attribué en 1923 à un officier belge, fût exercé par un officier espagnol. L'effectif, qui sera de 250 hommes en temps normal, atteindra 400 hommes pendant la première année, afin d'assurer le désarmement complet de la zone. Grâce à des subventions versées par les Gouvernements espagnol et français, la contribution de la zone de Tanger aux frais d'entretien de cette force ne dépassera jamais 1,500,000 fr. par an.

Les autorités tangéroises chargées d'assurer la sécurité propre de la zone risquent, malgré tout leur zèle et toute leur conscience, de ne pas saisir exactement les répercussions que certains faits, peu dangereux du point de vue local, risquent d'avoir sur la sécurité des autres zones du Maroc. La création d'un bureau mixte composé d'officiers espagnols et français, payés par leurs Gouvernements respectifs, mais accrédités auprès des autorités tangéroises, compensera cette lacune. Ces officiers, et particulièrement leur chef, officier supérieur espagnol, qui prendra le titre d'Inspecteur général de la Sécurité, auront un triple rôle d'informateurs de l'Administration, d'auxiliaires bénévoles du parquet et de conseillers du Comité de Contrôle en toutes matières concernant les propagandes subversives, la contrebande d'armes, et d'une manière générale la répression des menées dirigées contre l'ordre établi tant au Maroc que dans les pays étrangers. Ils ne devront d'ailleurs, à aucun degré, intervenir dans le fonctionnement des services de l'Administration tangéroise.

Enfin, différents articles du Statut et du Code pénal ont été modifiés en vue d'assurer une répression plus efficace de la contrebande d'armes et des agissements subversifs. Cette dernière catégorie d'infractions, dont le Tribunal mixte connaîtra dans tous les cas, sera punie de peines sévères (six mois à cinq ans de prison, 1,000 à 20,000 fr. d'amende) qui répriment déjà le trafic illicite d'armes, de munitions et de matériel de guerre. La détention non autorisée desdits armes, munitions et matériel de guerre sera désormais punie à l'égal de leur introduction. Le Tribunal mixte pourra prononcer, contre les auteurs de ces différents délits, la peine accessoire d'interdiction de séjour pour une durée de dix ans avec faculté de renouvellement.

L'Italie devenant partie contractante au statut, prend dans l'organisation tangéroise la place qui correspond à l'importance de ses intérêts et de ses moyens d'action.

Elle aura notamment la faculté, réservée jusqu'ici à l'Angleterre, à l'Espagne et à la France, d'affecter à son consulat un officier chargé de contrôler la neutralité militaire de la zone et participera à la surveillance de la contrebande des armes et des munitions de guerre dans les eaux territoriales de la Zone de Tanger. Elle aura à l'Assemblée législative internationale trois Députés, dont un exercera les fonctions de vice-président. Un de ses nationaux occupera le nouveau poste d'Administrateur-adjoint chargé de la direction des services judiciaires et remplira les fonctions de conseiller de l'Administration de la zone en toutes matières juridiques et législatives. Un magistrat italien siégera désormais dans le Tribunal mixte, qui ne comprenait jusqu'ici que des magistrats anglais, espagnols et français.

D'autre part, le Gouvernement italien s'est fait donner, par un échange de lettres avec les autres Gouvernements, l'assurance que ses entreprises et sa main-d'œuvre n'auraient à craindre aucune discrimination pour l'exécution des travaux publics. Ces garanties confirment celles qui sont inscrites dans le statut et le bénéfice en est commun à toutes les Puissances signataires ou adhérentes.

Le Gouvernement français et les cosignataires ont estimé qu'une compensation était due au Gouvernement belge, qui perdait le commandement de la gendarmerie attribué à un de ses nationaux par la convention de 1923. Le Gouvernement britannique ayant déclaré vouloir se contenter désormais d'un seul poste au Tribunal mixte, il a été convenu que la première vacance ouverte parmi les magistrats britanniques actuellement en fonctions serait remplie par un magistrat belge.

Les quatre Gouvernements ont été amenés, sur la demande unanime du Comité du Contrôle, à étudier une réorganisation de la juridiction internationale. La nécessité d'une réforme fondamentale est apparue pour réaliser l'unité du parquet, jusqu'ici partagé entre deux magistrats indépendants, pour placer un président à la tete du Tribunal mixte, où l'égalité absolue de tous les magistrats ne laisse pas que de présenter certains inconvénients, pour renoncer à la collaboration régulière des juges assesseurs dont les connaissances juridiques sont souvent mises à trop rude épreuve, pour créer une séparation très nette entre la juridiction d'appel et la juridiction de première instance, actuellement exercées par les mêmes magistrats au détriment de l'autorité des juridictions supérieures, pour organiser le recours en cassation qui fait actuellement défaut. Cette réforme esquissée dans ses grandes lignes par une des dispositions particulières signées le 25 juillet, devra d'ailleurs être mise au point par une commission de jurisconsultes.

Ainsi que l'analyse qui précède permet de s'en rendre compte, les accords du 25 juillet 1928 se sont maintenus rigoureusement dans le cadre des accords de 1923. Les modifications qu'ils apportent au statut paraissent de nature à en rendre le fonctionnement plus facile et à servir ainsi l'intérêt commun de toutes les Puissances qui participent à ce régime.

Le Gouvernement de la République s'est, au cours des négociations, constamment inspiré de cette préoccupation d'ordre général qu'il sait lui être commune avec le Gouvernement des Pays-Bas. Il espère donc que celui-ci trouvera dans les explications qui viennent d'être données tous ses apaisements et voudra bien, en apportant son adhésion aux accords du 25 juillet dernier, continuer au statut une collaboration qui a produit jusqu'ici les plus heureux résultats.

[W 10745/12/28] No. 59.

Sir C. Barclay to Lord Cushendun.—(*Received November* 13.)

(No. 376.)

My Lord, *Lisbon, November* 6, 1928.

IN accordance with the instructions contained in your Lordship's despatch No. 405 of the 30th October, I sought an interview with the Minister for Foreign Affairs on the 3rd November and explained to him at length the reasons set forth by your Lordship, for which His Majesty's Government are, to their great regret, debarred from acceding to the request of the Portuguese Government for increased representation in the administration of Tangier. I added that His Majesty's Government were prepared to examine the matter with benevolence when the time

came to revise the statute. Further, I pointed out to his Excellency that the Portuguese Government had only themselves to blame for not having brought up the matter whilst the negotiations, of which they were well aware, for the revision of the Tangier Statute were proceeding, instead of waiting until the protocol was actually signed before putting forward their demands.

2. Dr. Bettencourt Rodrigues said he had already heard the decision of His Majesty's Government from the Portuguese Ambassador in London, but he demurred to the statement that the Portuguese claim had been put forward too late. The Portuguese Government had not been invited to take part in the conference, and until they knew the results they could not tell whether their interests had been properly served or not. The plea of lateness had not been endorsed at first by His Majesty's Government, seeing that they had been in communication with the Portuguese Government in an endeavour to meet their wishes. It was evident that the French Government were the stumbling-block, for he had assurances from the Spanish Government that they favoured Portuguese aspirations; His Majesty's Government was clearly friendlily inclined, and he had reason to believe that Italy had no objections.

3. None of the difficulties I laid before him which would result from any attempt to revise the statute made any impression upon him. He said that revision of the statute was not necessary; the whole question could be settled by an additional protocol. An opportune moment for doing something for Portugal would be when the committee of jurists meets within the next two months to revise the scheme for the international tribunal of Tangier. He would prepare a memorandum on the subject which he would send to the Portuguese representatives in London and Paris for communication to His Majesty's Government and the French Government, and he would give me a copy.

I have, &c.
COLVILLE BARCLAY.

[W 10584/12/28] No. 60.

Lord Cushendun to Sir W. Tyrrell (Paris).

(No. 2536.)

Sir, *Foreign Office, November* 13, 1928.

I HAVE received your Excellency's despatch No. 1851 of the 6th instant, transmitting a copy of the draft of the reply which the French Government suggest should be returned to the representations made by the Netherlands Government in regard to the manner in which the Tangier Protocol has been submitted for their approval.

2. I agree that it is desirable that the four Governments concerned should, if possible, return similar if not identic replies to the Netherlands Government, and I concur generally in the lines of the draft prepared by the Quai d'Orsay.

3. The only passage with which I am not in agreement is the reference in paragraph 10 to the military officers. The Netherlands Government pointed out in their memorandum that the new protocol deprived them of the right to attach a military officer to their consulate-general. The observation is perfectly justified, for the last paragraph of article 3 of the Tangier Convention provides that "The contracting Governments have the right to attach to their consulates at Tangier an officer charged with the duty of keeping them informed as to the observance of the foregoing obligations of a military order." The article as amended in the new protocol specifically states that only the British, French, Italian and Spanish Governments enjoy this right. It is true that in 1923 the intention of the negotiators was to confine the privilege to the signatory Governments, but from the moment when the Netherlands Government became a contracting party by acceding to the convention they were entitled under the strict wording of the article to attach a military officer to their consulate-general. They are aware of the fact, and it appears fruitless and impolitic to attempt to contest it. In the circumstances I consider that it would be desirable either to omit the words "réservée jusqu'ici à l'Angleterre, à l'Espagne et à la France" from the first sentence of paragraph 10, or to explain why the relevant modification of article 3 was inserted in the protocol. If the complaint of the Netherlands Government under this head is ignored in the joint reply, they may, with

their customary pertinacity, revert to the point and it might therefore be preferable to adopt the second alternative. I shall be glad if you will inform the French Government accordingly and state that I am ready to be guided by their views on the point.

4. I may add for your information that the Netherlands Minister called recently to enquire how the matter stood. He was informed of the purport of the reply given to you by the French Government and he expressed himself satisfied with the manner in which his representations were likely to be met. He emphasised that the essential point was that the entry into force of the protocol should be postponed.

I am, &c.
CUSHENDUN.

[W 10745/12/28] No. 61.

Lord Cushendun to Sir C. Barclay (Lisbon).

(No. 435.)

Sir, *Foreign Office, November* 16, 1928.

I HAVE received your despatch No. 376 of the 6th instant recording a conversation with the Minister for Foreign Affairs on the subject of the request of the Portuguese Government for increased representation in the international administration of Tangier.

2. I cannot accept the statement of Dr. Bettencourt Rodrigues that the plea of lateness advanced by His Majesty's Government and the French Government had not been made in the first instance in London. As you will have seen from my despatch to Paris No. 1875 of the 20th August last, the Portuguese Chargé d'Affaires was informed at the outset that with the best will in the world it would be impossible at this stage to meet the request of the Portuguese Government; the new protocol had just been signed, and its authors could not face the prospect of jeopardising the settlement, which had been reached with great difficulty, by reopening the negotiations. It is no defence to argue that until the conference was over it was impossible to tell whether Portuguese interests had been properly served or not. The signatory Governments were unaware that the Portuguese Government were dissatisfied with the position allotted to them under the 1923 convention, and this fact should obviously have been brought to their notice before the conclusion of the conference.

3. The suggestion that the Portuguese desiderata should be considered when the Committee of Jurists meets next year to elaborate the reorganisation of the Mixed Tribunal is, I fear, also impracticable. As I explained to you in my despatch No. 405 of the 30th ultimo, a protocol modifying the statute in favour of Portugal would have to receive the assent of all the parties to the Tangier Convention, and some of these would inevitably make their approval conditional on their own position being similarly improved. To discuss a delicate political question of this nature would be beyond the competence of the members of the proposed Committee of Jurists, and the presence of political experts would be required in Paris, with the result that the meeting of the jurists would develop into a fresh Tangier conference at which all the parties to the Tangier Convention would probably desire to participate on the same footing as Portugal.

4. I shall be glad if your Excellency will take the first convenient opportunity of representing these considerations, as well as those set forth in my despatch No. 405, to the new Minister for Foreign Affairs, and of assuring him that I should not have abandoned hope of meeting the wishes of the Portuguese Government at this juncture had I not satisfied myself that the practical difficulties were insuperable.

I am, &c.
CUSHENDUN.

[W 11041/12/28] No. 62.

Sir C. Barclay to Lord Cushendun.—(Received November 21.)

(No. 384.)

HIS Majesty's Ambassador at Lisbon presents his compliments to the Acting Secretary of State for Foreign Affairs, and, with reference to his Lordship's despatch No. 408 of the 2nd November relative to the Portuguese request for increased representation in the administration of Tangier, has the honour to transmit the accompanying copy of a letter which he has received from the Minister for Foreign Affairs, covering a copy of the memorandum which the Portuguese Ambassador in London has been instructed to communicate to the Foreign Office.

Lisbon, November 15, 1928.

Enclosure 1 in No. 62.

M. Rodrigues to Sir C. Barclay.

Mon cher Ambassadeur, *Lisbonne, le 7 novembre* 1928.

COMME suite à notre conversation au sujet de la question de Tanger, je vous envoie ci-joint une copie des observations que l'Ambassadeur de Portugal à Londres a été chargé de présenter à ce sujet au Foreign Office.

J'espère qu'un nouvel examen de la question ne laissera au Foreign Office aucun doute sur la manière de tourner la question d'ordre pratique soulevée par le Gouvernement français.

Je suis, d'ailleurs, sûr que le ferme appui de notre vieille alliée ne nous manquera pas dans la suite de notre juste cause.

Je profite, &c.

A. M. DE BETTENCOURT RODRIGUES

[W 11098/12/28] Enclosure 2 in No. 62.

Memorandum.

(Translation.)

THE Portuguese Government have taken, with much interest, due notice of the memorandum transmitted by the Foreign Office to the Portuguese Ambassador in London on the 23rd October last.

As regards the position of Portugal relatively to the new Tangier Statute, the Government of the Republic register with pleasure that, as was to be expected, it has not been possible to oppose any objection of principle to the just Portuguese pretensions. The Portuguese Government, however, note, with regret and surprise, that His Britannic Majesty's Government share the French Government's doubt in giving satisfaction to the desires expressed by Portugal, such a doubt being based on difficulties of a practical nature which appear to the Portuguese Government to be easily removable.

Once the justice of the Portuguese claims is recognised by the four signatory Powers of the new Statute—and for this purpose it is neither necessary to call a new meeting nor to reopen conferences, but merely to hold conversations between the Chanceries similar to those which were begun by His Britannic Majesty's Government—it would be sufficient if, during the act of the ratification of the new statute, its signatories declared, by means of a simple protocol or annexed notes, that they recognised the foundation of the representations above referred to, and gave them such satisfaction as may appear to be most feasible.

The first objection of the Portuguese Government to the new statute lies in the fact that its article 34 establishes, for the Legislative Assembly, a composition contrary to the principles on which the article itself is based. The text states that the Assembly shall be formed "in consideration of the number of nationals, the volume of commerce, the property interests and the importance of local trade at Tangier of the several Powers signatories of the Act of Algeciras." Only by a mistake or an equivocation could the representation of the country having the third colony there, in addition to many and valuable interests, have been placed on an equal footing with that of countries which merely have half a hundred subjects in Tangier.

The memorandum of the 23rd October states that Portugal maintains the position held in the 1923 Statute. The Portuguese Government beg leave to point out that the position of each of the Powers must be considered not isolatedly, but in relation to the others, and that relation was profoundly altered in the new statute. In 1923 the privileged position in Tangier practically belonged to Spain, France and Great Britain. Such is not the case now, and this point cannot but be taken into consideration.

It appears to the Portuguese Government, therefore, that it would be possible, in the manner above indicated, to grant them the following satisfactions without fear of equal reasons being submitted by other countries, and without in any way affecting the interests of the signatories of the new statute :—

1. The increase of their representation in the Legislative Assembly, in accordance with the principles of article 34.
2. The right to be represented in the Mixed Court.
3. The participation of a delegate on the Committee of Jurists charged with the reform of the international jurisdiction of Tangier to which reference is made in No. V of the Special Provisions.

The Portuguese Government trust that the British Government, which so promptly acceded to their ally's appeal in this matter, will continue to give them their support, specially with regard to the French Government, and that they will lead the latter to realise the easy practicability of the solution suggested by the Portuguese Government.

[W 11098/12/28] No. 63.

Lord Cushendun to Sir C. Barclay (Lisbon).

(No. 446.)

Sir, *Foreign Office, November 22, 1928.*

I RECEIVED the Portuguese Ambassador this afternoon at his request. After the usual compliments he said that shortly after his arrival in England he had had an interview with Sir Victor Wellesley, in the course of which the latter had handed to him a memorandum on the subject of the Statute of Tangier. He now brought with him a memorandum containing his Government's reply, a copy of which had already been communicated by the Portuguese Ministry for Foreign Affairs to you.

In receiving the memorandum I told General Rosado that in a very few days Sir Austen Chamberlain would be back at the Foreign Office and I should return to my own Department; I did not therefore propose to look into the question myself, but would refer his Government's reply to Sir Austen Chamberlain without delay after his return.

General Rosado expressed himself as perfectly satisfied.

I am, &c.

CUSHENDUN.

[W 11116/12/28] No. 64.

*Lord Cushendun to Sir W. Tyrrell (Paris).**

(No. 2626.)

Sir, *Foreign Office, November 24, 1928.*

WITH reference to my despatch No. 2595 of the 20th November, enclosing a copy of a despatch instructing His Majesty's Ambassador at Lisbon to make renewed representations to the Portuguese Government in the matter of their accession to the Tangier Protocol, I transmit to your Excellency herewith a copy of a telegram from Sir Colville Barclay reporting a conversation with the new Portuguese Minister for Foreign Affairs, from which it appears unlikely that the Portuguese Government will make any further difficulties about acceding to the protocol.

* Also sent *mutatis mutandis* to Madrid, No. 568, and Rome, No. 1394.

2. I shall be glad if you will inform the French Government unofficially of this conversation.

3. His Majesty's Ambassadors at Rome and Madrid are being instructed to make a similar communication to the Government to which they are accredited.

I am, &c.
CUSHENDUN.

Enclosure in No. 64.

Sir C. Barclay to Lord Cushendun.—(Received November 23.)

(No. 52.)
(Telegraphic.) R. *Lisbon, November 22, 1928.*

YOUR despatch No. 435.

To-day I spoke to Minister for Foreign Affairs in accordance with instructions. He said that he quite understood position, and that he did not think that Portuguese Government would offer any more objections. He asked me for a brief note of what I had said to him for the purpose of record, and promised to give a reply without delay in the sense desired.

He would be glad to know whether His Majesty's consul-general at Tangier is to be raised to the rank of Envoy Extraordinary and Minister Plenipotentiary on 1st January.

[W 11304/12/28] No. 65.

Sir C. Barclay to Lord Cushendun.—(Received November 29.)

(No. 389.)
My Lord, *Lisbon, November 23, 1928.*

WITH reference to my telegram No. 52 of yesterday, I have the honour to transmit herewith copies of the confirmatory note which I have addressed to the Minister for Foreign Affairs on the subject of the Portuguese desire for increased representation on the International Administration of Tangier. I earnestly hope that this may be the last that will be heard of the matter.

2. There is, perhaps, a shadow of excuse for the Portuguese Government's persistence in their demand. In paragraph 2 of your despatch No. 435 of the 16th November you refer me to despatch No. 1875 to Paris of the 20th August as evidence that the Portuguese Chargé d'Affaires was informed at the outset that it would be *impossible* to meet the request of his Government. The despatch, however, states that he was informed that it would be *difficult* to meet the request, and that the only possibility of improving the position of Portugal would be to allot her a seat on the International Assembly. It is perhaps this that emboldened the late Minister for Foreign Affairs to embark on further, even though clearly futile, argument, on being subsequently advised that His Majesty's Government found it impossible to meet Portuguese aspirations until the statute came up for revision. Dr. Bettencourt Rodrigues's position was probably at the time a little precarious, and he had everything to gain and nothing to lose by his reluctance to take no for an answer.

I have, &c.
COLVILLE BARCLAY.

Enclosure in No. 65.

Sir C. Barclay to Commander Anibel de Mesquita Guimarães.

Your Excellency, *Lisbon, November 23, 1928.*

WITH reference to our conversation of yesterday, I have the honour to confirm to your Excellency that His Majesty's Government, to their great regret, find it impossible, in the light of insuperable practical difficulties, to meet the request of the Portuguese Government for increased representation on the International Administration of Tangier. The Portuguese Chargé d'Affaires in London was informed of these difficulties as long ago as last August.

2. It would be impossible to meet the request of your Excellency's Government without reopening the negotiations and thereby imperilling the result of four months' arduous work. The Portuguese Government must have been aware of the existence and purpose of the conference, and His Majesty's Government can only regard it as unreasonable of them to await the signature of the protocol to put forward their claim. The suggestion that Portuguese aspirations should be considered when the Committee of Jurists meets next year to elaborate the reorganisation of the mixed tribunal is also unfortunately impracticable; it would be beyond the competence of the jurists, and would thus require the presence of political experts and, consequently, something in the nature of a renewed conference, which, as stated above, would imperil the results of this year's labours. His Majesty's Government have made important concessions in the interests of the settlement that has been reached, and they cannot agree to endanger the results of their efforts in deference to the belated appeal of Powers for whom the recent negotiations have involved no sacrifice.

3. It is for the above reasons that His Majesty's Government have reached the reluctant but definite conclusion that it is not possible for them to accede to the request of your Excellency's Government. They regret that the matter was not brought to their attention in time, and they will be prepared, when the statute comes up for revision, to examine in a friendly spirit any suggestions that the Portuguese Government may wish to put forward.

I have, &c.
COLVILLE BARCLAY.

[W 10820/12/23] No. 66.

Sir Austen Chamberlain to M. van Swinderen.

Sir, *Foreign Office, December 4, 1928.*

YOU were good enough in your note of the 30th October last to communicate the observations of the Netherlands Government in regard both to the substance and to the method of putting into force of the agreements of the 25th July, 1928, revising the Tangier Convention of the 18th December, 1923. His Majesty's Government in Great Britain, after careful consideration in concert with the French, Spanish and Italian Governments, are now in a position to reply as follows:—

2. The Netherlands Government expressed surprise that the agreements revising the convention of 1923 did not expressly mention the necessity of obtaining the accession of the other Powers parties to that convention. It appeared to them that this omission must have been intentional, inasmuch as the period fixed for the coming into force of the agreements was to run from the date of the deposit of ratification by the four signatory Powers only.

3. His Majesty's Government are glad to be able to assure the Netherlands Government that neither they nor their co-signatories had any idea of neglecting to invite the accession of the Governments which had acceded to the convention of 1923. As far back as November 1926, when agreeing on the procedure to be followed in revising the Tangier Statute, the four Governments decided that when agreement had been reached between them by means of conversations *à quatre* they would "take steps to secure through the diplomatic channel the assent of the other interested Powers." Thus the joint representations which they instructed their representatives at The Hague to make to the Netherlands Government after the deposit of ratifications of the agreements of the 25th July last were made with a view to obtain the accession of the Netherlands Government and were not intended simply to notify that Government of the signature of the agreements.

4. The Netherlands Government should have no doubt of the great importance which His Majesty's Government and their co-signatories attach to securing their accession, on account not only of the extent of Dutch interests in Tangier, but also of the particularly friendly relations which exist between them and the Netherlands Government. As a proof of their willingness to meet the views of the Netherlands Government in this matter, the four Governments are prepared to postpone the entry into force of the agreements of the 25th July for one month, that is to say until the 14th January, 1929, since the period of three months which it had been thought would be amply sufficient has proved to be too short to allow the States General fully to examine the several texts which must of necessity be submitted to them before the Netherlands Government can accede to the agreements.

5. As regards the substance of the agreements, His Majesty's Government feel that by way of reply to the various points raised in your note they cannot do better than give a brief explanation of the principal modifications of the convention of 1923 introduced by the recent agreements. These modifications may be classed under three heads: Provisions designed to strengthen the security of Tangier and the other zones of Morocco; clauses regarding the participation of Italy in the statute; the reorganisation of the international tribunal, this being, however, for the greater part not yet definitive.

6. The gendarmerie, which under article 47 of the convention of 1923 is placed at the disposal of the administrator for the purpose of ensuring the security of the Tangier zone, is to be constituted, and the Shereefian tabors which it replaces are to be disbanded. The close connexion between the security of Tangier and that of the nieghbouring Spanish zone was held to justify the command of the gendarmerie, earmarked in 1923 for a Belgian officer, being exercised by a Spanish officer. The strength of the gendarmerie, which is limited ultimately to 250 men, will be fixed at 400 men during the first year in order to facilitate the complete disarmament of the zone. Thanks to contributions to be subscribed by the French and Spanish Governments, the contribution of the Tangier zone to the expenses of the gendarmerie is never to exceed 1,500,000 fr. per annum.

7. The Tangier authorities entrusted with the maintenance of the security of the zone, however zealous and conscientious, might fail to realise the reaction which certain matters of little importance or danger from the local point of view might have on the security of the other zones of Morocco. To avoid this risk a mixed bureau is to be set up, composed of French and Spanish officers paid by their own Governments, but accredited to the Tangier authorities. The duties of these officers, particularly of their chief, a high Spanish officer, who is to have the title of inspector-general of security, will be to supply information to the administration, to assist the judicial authorities and to act as advisers to the committee of control in all matters concerning subversive propaganda, contraband in arms, and generally speaking the suppression of conspiracy against the established order in Morocco or elsewhere. They must not, however, intervene in any way in the administrative service of the zone.

8. Finally, a number of the articles of the statute and of the Penal Code have been modified with a view to ensure that contraband traffic in arms and subversive movements are more effectively repressed. Offences of the last-named order, which are to be dealt with in every case by the Mixed Tribunal, are to be punishable by severe penalties (six months' to five years' imprisonment and 1,000 fr. to 20,000 fr. fine), similar to those which are already applicable to offences connected with illicit traffic in arms, munitions and material of war. In future, the unauthorised possession of arms, munitions and material of war will be subject to the same penalties as may be inflicted in respect of their importation. The Mixed Tribunal may inflict on persons convicted of these various offences the additional penalty of prohibition of residence for a period of ten years, with the faculty of renewal.

9. In becoming a party to the statute, Italy takes a share in the administration of Tangier régime corresponding to the importance of her interests and influence in the zone.

10. She will have the right of attaching to her consulate an officer entrusted with the duty of superintending the military neutrality of the zone, and will take part in the control of the contraband traffic in arms in the territorial waters of the zone. She will have three representatives in the International Legislative Assembly, one of whom will fill the post of vice-president. One of her nationals will fill the new post of assistant administrator in charge of the judicial services and will act as adviser to the Administration in all judicial and legislative matters. An Italian judge will in future sit on the Mixed Tribunal, which hitherto has been composed only of French, Spanish and British judges.

11. Further, the Italian Government has been given, by means of an exchange of notes with the other three Governments, an assurance that no discrimination will be made against Italian undertakings or Italian labour in so far as the execution of public works is concerned. These guarantees confirm those which are already contained in the statute, and the benefit of which extends to all Powers parties thereto, whether by signature or accession.

12. His Majesty's Government and their co-signatories considered that some compensation was due to the Belgian Government for the loss of the command of the gendarmerie, which under the convention of 1923 was to be conferred on a

Belgian national. His Majesty's Government having intimated that they would in future be content with one seat on the Mixed Tribunal, it was agreed that the first vacancy occurring among the British judges now serving should be filled by a Belgian judge.

13. At the unanimous request of the committee of control, the four Governments examined the question of reorganising the international tribunal. A radical reorganisation was found to be necessary in order to establish the unification of the "parquet," hitherto divided between two independent judges, to place a president at the head of the Mixed Tribunal, where the present complete equality between all the judges has led to certain inconveniences, to dispense with the regular collaboration of assessors whose judicial knowledge was frequently subjected to too severe a strain, to separate definitely the court of appeal from the court of first instance, at present exercised by the same judges to the prejudice of the authority of the higher courts, and to constitute a superior court of appeal, which is at present lacking. This reorganisation, indicated in outline by one of the special agreements signed on the 25th July, 1928, is to be drawn up in detail by a special committee of juridical experts.

14. As will be seen from the foregoing explanation, the agreements of the 25th July, 1928, have been drawn up strictly within the ambit of the agreements of 1923. The modifications which they make to the statute of 1923 are intended to facilitate the working of the statute and thus to serve the common interests of all the Powers participating in the international régime.

15. In order to facilitate the elaboration of the agreements of the 25th July, His Majesty's Government made very considerable sacrifices in the general interest —sacrifices which would be rendered nugatory were the Netherlands Government to withhold their accession. His Majesty's Government therefore earnestly hope that, in the light of the foregoing explanations, the Netherlands Government will be prepared to continue their helpful and much appreciated collaboration in the international régime.

I have, &c.
AUSTEN CHAMBERLAIN.

[W 11756/12/28] No. 67.

Sir C. Barclay to Sir Austen Chamberlain.—(*Received December* 12.)

(No. 406.)

Sir, *Lisbon, December* 7, 1928.

ON receipt of your telegram No. 59 of the 28th ultimo, instructing me to consult with my French, Italian and Spanish colleagues with a view to formally inviting the Portuguese Government to accede to the Tangier Protocol, I at once got in touch with my colleagues, and suggested the text of the note addressed by the French Ambassador at Brussels to the Belgian Government last October, as a suitable wording.

2. A few days' delay occurred before the Spanish and Italian Ministers received their instructions, but on the 4th December the various notes were sent in to the Portuguese Government. I have the honour to enclose copies of my note herewith.

3. To-day I called upon the Acting Minister for Foreign Affairs and expressed to him your sincere appreciation of his conciliatory and helpful attitude in postponing the Portuguese desiderata until a more suitable occasion. Commander Guimarães hardly let me finish before he broke into a somewhat heated criticism of the way the Portuguese Government had been treated. His French is not good, so it is not always easy to follow him. The gist of what he said was that the four Powers had actually signed, as far back as the 17th July, the agreement they had come to amongst themselves, without consulting the other parties to the 1923 convention, and it was only in December that they were asking the Portuguese Government to accede to it; also that it was not until my communication of the 23rd November that the Portuguese Government had heard definitely that it was impossible to alter the statute. I pointed out to his Excellency that he must be under some misapprehension. The Portuguese Government would have been asked to accede to the new statute earlier, but at the beginning of August Dr. Bettencourt Rodrigues had spoken to me of the disappointment of the Portuguese Government,

and had asked whether some additional post or other could not be given to Portugal. I had at once reported the matter to you, and the Portuguese Embassy in London had likewise been in communication with the Foreign Office on the subject. There had been a number of communications since between His Majesty's Government and the Portuguese Government, both in London and in Lisbon, so that they must have known from the first the insuperable difficulties in altering the statute. The request for Portuguese accession had been delayed while the above communications were passing out of deference to Portuguese feelings. It was a great pity that the Portuguese Government had not spoken up in April or May, now I could but repeat that His Majesty's Government had undertaken to examine in a friendly spirit any suggestion that the Portuguese Government might wish to put forward when the statute came up for revision.

4. Commander Guimarães stated that the Portuguese Government were now in a difficult position *vis-à-vis* Portuguese public opinion, and especially the Portuguese colony in Tangier. He would submit the requests for accession which he had now received from the four Powers to the Cabinet at their next meeting. The final word did not rest with him but with the Cabinet. I pointed out to his Excellency that he had told me that the Portuguese Government would no longer offer any objections, so naturally I expected their answer would be in a favourable sense.

5. I hear to-day that Commander Guimarães spoke in the above strain to the Italian and French Ministers, who also called on him yesterday, and both pointed out to him that, although the request for the accession of the Portuguese Government had been delayed, the text of the agreement had been officially communicated to them by the French Government on the 18th July last.

6. I do not attach any importance to the outburst of the Acting Minister for Foreign Affairs yesterday. Probably he wished to put it once more on record, for public consumption eventually, the disappointment of the Portuguese Government.

I have, &c.
COLVILLE BARCLAY.

Enclosure in No. 67.

Sir C. Barclay to Commander Guimarães.

M. le Ministre, *Lisbon, December* 4, 1928.

I HAVE the honour to inform your Excellency that the agreements relating to the Tangier Statute, which were come to between the British, French, Italian and Spanish Governments on the 25th July, 1928, were ratified on the 14th September by the four signatory Powers.

2. On instructions from my Government, I have the honour to solicit the accession of the Portuguese Government to these agreements.

I avail, &c.
COLVILLE BARCLAY.

[**W 11759/12/28**] No. 68.

Sir C. Barclay to Sir Austen Chamberlain.—(*Received December* 12.)

(No. 411.)

Sir, *Lisbon, December* 8, 1928.

WITH reference to my despatch No. 406 of the 7th December, I have the honour to transmit herewith translation of a note which has reached me from the Ministry for Foreign Affairs acknowledging the receipt of my note of the 23rd November, informing them that His Majesty's Government were unable to support the Portuguese claim to increased representation under the terms of the new Tangier Statute (see my despatch No. 389 of the 23rd November).

2. The note is animated by a spirit of resigned deference to the exigencies of the situation and is thus hardly compatable with the aggrieved tone in which the Minister for Foreign Affairs commented on my request for Portuguese accession to the statute. This rather confirms the impression, which I have reported in my

despatch under reference, that the complaints in question were in the nature of a formality, the purpose of which was to enable the Portuguese Government to assure Portuguese public opinion that they had only yielded under protest to the necessity of acceding to the statute.

I have, &c.
COLVILLE BARCLAY.

Enclosure in No. 68.

Commander Guimarães to Sir C. Barclay.

(Translation.) *Ministry for Foreign Affairs,*

M. l'Ambassadeur, *Lisbon, December* 3, 1928.

I HAVE the honour to acknowledge the receipt of the note which your Excellency addressed to me on the 28th November last, explaining the reasons why His Majesty's Government did not consider that they could at the present time support the Portuguese claims in regard to the new Statute of Tangier.

As I informed your Excellency, the fact that His Majesty's Government state that they find, to their regret, that it is not possible to follow up the representations which they kindly began with other signatory Governments, and the French Government in particular, on behalf of Portuguese aspirations cause me to desist at this moment from further requests in that sense, while at the same time maintaining the points of view which have already been stated. But, while giving proof of my appreciation of the situation in which your Excellency's Government is placed, you must allow me to express the disappointment of the Portuguese Government that it has not been found possible to remove difficulties of a merely practical order relating to a matter on which no disagreement in principle was alleged by any of the signatories of the new statute.

The Government of the Republic cannot fail to be alarmed at the situation thus created for their colony in Tangier and the Portuguese interests existing there. On that account they not only note and are grateful for the promise of support from the British Government in the event of a future revision of the statute, but they are sure that His Majesty's Government for their part will understand the difficulties in which the Portuguese Government are placed through the decision communicated to them by your Excellency.

I avail, &c.
ANNIBAL DE MESQUITA GUIMARAES.

[**W 11844/12/28**] No. 69.

Sir O. Russell to Sir Austen Chamberlain.—(*Received December* 15.)

(No. 469. Confidential.)

Sir, *The Hague, December* 10, 1928.

I HAVE the honour to transmit herewith a confidential memorandum which the Minister for Foreign Affairs handed to me this afternoon in reply to the communication I had made on the 22nd October last in the sense of paragraphs 3 and 4 of your despatch No. 358 of the 15th October, with regard to the future administration of justice at Tangier.

2. From this memorandum it will be seen that the Netherlands Government fully appreciate the proposal of His Majesty's Government to suggest at the meeting of the Committee of Jurists in Paris next year that the Netherlands "Cour de Cassation" shall be designated as the Supreme Court of Appeal for Tangier and are ready to co-operate on those lines.

3. As regards the larger question of the accession of the Netherlands Government to the Tangier protocol, his Excellency told me that, though the extension of the time limit would not suffice to obtain the necessary parliamentary sanction at The Hague, he did not wish to make unnecessary difficulties, and would instruct the Netherlands consul-general at Tangier to act after the 14th January, 1929, in anticipation of the signature of the protocol by his Government.

4. The attitude of M. Beelaerts towards this question, which had been as conciliatory as possible under somewhat difficult circumstances from the very start, has been rendered even easier by the tactful manner in which the French Minister presented the French note, by the expression of regret with which he accompanied that presentation, and, last but not least, by the project of His Majesty's Government to ensure Netherlands participation in the administration of justice at Tangier. Fortified with the above, M. Beelaerts is confident of obtaining a satisfactory hearing from Parliament in due course.

I have, &c.
O. RUSSELL.

Enclosure in No. 69.

Memorandum.

(Très confidentiel.)

SON Excellence le Ministre britannique a bien voulu attirer l'attention du Ministre des Affaires étrangères des Pays-Bas sur l'article 5 des dispositions spéciales des accords signés à Paris le 25 juillet dernier, en vertu duquel une commission de juristes devra se réunir à Paris au commencement de l'année prochaine, laquelle aura pour tâche d'élaborer la revision de la juridiction internationale de Tanger, dont un des traits serait une Cour de Cassation composée de magistrats appartenant à la Cour suprême d'un pays non représenté au Tribunal international de Tanger. Le Gouvernement britannique a bien voulu, dans des termes très courtois que le Gouvernement néerlandais apprécie vivement, témoigner de sa confiance en la juridiction néerlandaise et de son désir que les Pays-Bas participent à l'administration de la justice de la Zone de Tanger; aussi, si le Gouvernement néerlandais était d'accord, le Gouvernement britannique voudrait proposer à la conférence des juristes visée ci-dessus que la Haute-Cour de Cassation néerlandaise soit désignée comme Cour suprême d'Appel pour la Zone de Tanger.

Le Ministre des Affaires étrangères prie le Ministre de Grande-Bretagne de bien vouloir prêter son intermédiaire pour transmettre au Gouvernement britannique l'appréciation du Gouvernement néerlandais pour l'initiative si flatteuse pour les organes judiciaires néerlandais que le Gouvernement britannique se propose de prendre dans cette matière. Le Gouvernement néerlandais est volontiers disposé à collaborer, de sa part, pour rendre possible, dans le cas où la suggestion britannique serait acceptée par le Comité des Juristes, le fonctionnement de la Haute-Cour des Pays-Bas comme organe auquel des attributions judiciaires seraient déférées par rapport à Tanger.

Il serait évidemment utile qu'à son heure les modalités d'un arrangement de cet ordre et de sa mise en vigueur soient réglées de concert avec le Gouvernement néerlandais pour que celui-ci puisse prendre les dispositions nécessaires pour en assurer le fonctionnement.

(e.) Miscellaneous.

[W 353/353/28] No. 70.

Mr. Gurney to Sir Austen Chamberlain.—(Received January 13.)

(No. 2. Confidential.)

Sir, *Tangier, January 1, 1928.*

I HAVE the honour to transmit herewith my annual report on the heads of foreign missions at Tangier.

I have, &c.
HUGH GURNEY.

Enclosure in No. 70.

Report on Heads of Missions at Tangier.

(The passages marked with an asterisk * are reproduced unaltered from last year's report.)

1.—Diplomatic Agents.

**United States of America:* Hon. Maxwell Blake, diplomatic agent and consul-general.

Mr. Blake has been here since 1913, with the exception of the period between 1922 and 1925, which he spent on missions in Australia and Albania. I have found him both as friendly and as outspoken as my predecessor did. His outspokenness is, indeed, often embarrassing, almost equally whether it leads him to disparage his own country, to laud the characteristics of the British race or to decry the incompetence of the Spaniards. One cannot, however, take him very seriously, and he often talks, I think, rather for effect than from conviction. He has no great opinion of the statute as it stands, and professes to think that it would be well to give the Spaniards a larger share in the control of the zone, in spite of his low opinion of their efficiency, on account of the geographical situation and their power to strangle the zone. He seems to have no desire for his country to adhere to the statute even under such conditions, and clings tenaciously to the rights derived from the Act of Algeciras and the Spartel Lighthouse Convention. As regards the latter, however, he renders the work of the International Commission very difficult by deliberately abstaining from its meetings and attempting to insist on all questions being treated by correspondence, an obstructive attitude which we are now trying to overcome.

He is married to a lady of Gibraltarian origin.

Italy: Signor Giuseppe Bastianini, diplomatic agent and consul-general since July 1927, with the personal rank of Minister Plenipotentiary.

This is Signor Bastianini's first diplomatic post. Before coming here he was a prominent Fascist leader and Deputy. He was secretary-general of the Fasci abroad and Under-Secretary of State at the Ministry of National Economy. He is naturally anxious to foster the spirit of Fascism among the large Italian colony not only in Tangier, but in Morocco as a whole, and he has shown a good deal of activity generally. Like his predecessor, however, he has done nothing to hinder the smooth working of the statute, and he seems to be waiting more or less patiently for the conclusion of an arrangement with the Powers signatory of the statute, which will permit Italy to participate in the international administration on terms acceptable to her. He is only about 34 years of age, and he suffers, perhaps, a little from the impetuosity of youth. He is, however, well informed and intelligent, and he will, I hope, ultimately play a useful part in the Committee of Control. My personal relations with him are very cordial.

He is married.

2.—Consuls-General.

**Belgium:* M. Maurice Watteeuw, consul-general.

He was previously consul-general at Kobe and consul at Sydney. He is jovial and good-hearted, and anxious to avoid rather than create difficulties. Although not clever, he plays quite a useful part in the Committee of Control, and whilst he seldom or never takes the initiative, he can be relied upon to adopt a fairly sound and conciliatory view on the matters brought before us, although with a bias towards the French point of view.

He is married, and both he and his wife talk excellent English and are fond of golf.

France: M. Paul de Witasse, consul-general since December 1926.

M. de Witasse, who is in the French consular service and is directly attached to the administration of the French zone of Morocco, has spent most of his career in the Near East, having served at Cairo, Genoa, Smyrna and Alexandria. He

has also been employed at the Residency-General at Tunis, and before coming here had been in charge of the Oudja District of French Morocco, where he acquired the reputation of an able administrator. During the past year he has acted as president of the Committee of Control, and he has carried out his duties with ability and tact. He is a pleasant colleague to work with, combining as he does French wit with a good deal of common sense, and we get on very well together. He seems genuinely anxious to make the statute a success, and not to put French interests unduly in the foreground. He has a difficult colony to deal with, and though he was warmly welcomed by them on arrival, I believe that, like his predecessor, he is not now very popular with them.

He is married, and both he and his wife speak fairly good English and are devoted to golf.

**Holland:* M. F. Gerth van Wijk, consul-general since January 1925.

He was previously consul in Moscow, Petrograd and Zurich. As stated by my predecessor, he is a sound and friendly colleague. Though never assuming a prominent part in discussions, he can be relied upon to take a reasonable and unprejudiced view of matters dealt with by the Committee of Control. His business-like and tactful qualities have led to his appointment as representative of the Committee of Control on the Port Commission. He speaks several languages fluently, including English.

He is married to a lady of Italian origin.

Portugal: M. Oscar Potier, consul-general, with the rank of Minister Plenipotentiary since July 1926.

M. Potier was formerly consul-general in London, and has served in Shanghai, New York and Cardiff. I regret to say that he has not justified the favourable opinion which I formed of him on his arrival. He is generally silent at our meetings, and where he has intervened it has been with rather futile observations of a by no means helpful nature. He made an ill-judged attack on the Administrator in the Committee of Control in the summer, on account of the perfectly justified refusal of M. Alberge to effect, on his demand, the arbitrary arrest of some Portuguese workmen who were alleged to have caused some disturbance at his consulate-general. M. Potier had fallen foul of one of his nationals who owns a tunny canning factory here, and seems both to have lost his head and his temper in consequence. He has been absent since this incident occurred, and there seems to be no immediate prospect of his return. Meanwhile, Portugal is not represented in the Committee of Control as the acting consul-general is not a career consul, and, unlike his predecessor, M. Potier has not asked either myself or any one of my colleagues to represent him.

Spain: Don Antonio Pla y da Folgueira, consul-general, with the rank of Minister Plenipotentiary, since 1925.

M. Pla, who was formerly at the Ministry of State at Madrid and is in the Spanish Diplomatic Service, is sedate, silent and correct, but not very intelligent. Though not actively obstructive, he does nothing to facilitate the working of the statute, and he contributes little to our discussions in the Committee of Control, where he generally plays a very passive part, in striking contrast to M. Espinos, who acts as consul-general in his absence, and does his best to stir up trouble on such occasions.

He is not married.

Sweden: M. Carlos Dahl, trading consul-general.

As he is not a career consul-general, M. Dahl does not sit on the Committee of Control.

He is of a retiring disposition, and one sees but little of him.

[W 3443/12/28] No. 71.

Mr. Gurney to Sir Austen Chamberlain.—(*Received April* 10.)

(No. 57.)

Sir, *Tangier, March* 28, 1928.

THE Sultan, or rather the Government of the French Protectorate, is taking advantage of the occasion offered by the Paris conference on Tangier to effect the change of Mendoub which they have for some time had in mind.

2. As I have already had the honour to report from time to time, the first and present Mendoub, Si Mohammed bou Ashreen, has repeatedly sought to be relieved of the functions of a post which ill suited his weak if honest character. The very utility of his character, however, to the authorities at Rabat has hitherto ensured his retention at Tangier in the face of the skilful intrigues of Si Mohammed Tazi, who preceded him for many years as Naib, or Sultan's representative, and who has not ceased from his endeavours to return to a position which he found lucrative.

3. Increasing attention having been paid in Tangier during the last year to the inadequacy of native administration, although criticism has been largely silenced by personal regard for bou Ashreen, it is, I understand, mainly with a view to exercising a more direct and active control over the natives of the whole zone that the French have decided at length to accept his resignation and to name Tazi, a tried and willing tool, as his successor. The impending replacement of the French tabor, which has hitherto largely administered the rural population of the zone, by a gendarmerie commanded by a Spaniard has indicated to them the present as the moment for consolidating native control in the hands of a new Mendoub.

4. Tazi, who has been living in Tangier since his retirement from office in 1924, left to-day for Rabat with the Shereefian "contrôleur," M. Caillat, to receive from the hands of the Sultan the dahir containing his appointment. I learn that he intends to make a formal entry into Tangier on or about the 29th instant. His letter of appointment will then be read in the Mosque and he will take office.

5. The appointment is regarded with much misgiving by the more independent of the Moors in Tangier. In fact, a private petition against it was recently addressed by certain of the leading residents to the Grand Vizir at Rabat, who is no friend of Tazi's, but without result. I feel myself that Tazi will find the new régime less to his particular taste than the old. But he will require watching.

I have, &c.

HUGH GURNEY.

[W 4729/12/28] No. 72.

Mr. Gurney to Sir Austen Chamberlain.—(*Received May* 18.)

(No. 78.)

Sir, *Tangier, May* 11, 1928.

WITH reference to my despatch No. 59 of the 3rd April, I have the honour to report that the International Legislative Assembly passed a Bill at its last sitting providing for the disarmament of the natives of the Fahs, in accordance with the proposal submitted by the Mendoub to the Committee of Control. This measure was approved by the Committee of Control yesterday, and will come into force on promulgation. I enclose the text, from which it will be seen that a period of fifteen days is to be allowed for the surrender of arms against compensation. After the expiration of this period, persons found in possession of arms will be liable to the penalties prescribed by law.

2. The period was thus limited in order to prevent, so far as possible, the importation of arms from the Spanish zone with a view to their sale to the authorities, and my French colleague assures me that it will be sufficient to enable the French tabor to collect the arms.

3. The question of the withdrawal of arms from the inhabitants of the town of Tangier and from Europeans generally was discussed by the Committee of Control, but it was felt that it was preferable to leave it in suspense for the time being, largely on account of the difficulty of applying to Italian nationals any laws or regulations issued on the subject.

I have, &c.

HUGH GURNEY.

Enclosure in No. 72.

Loi relative au Désarmement des Indigènes du Fahs.

ARTICLE 1er. Il sera procédé au désarmement des indigènes du Fahs.

Art. 2. Le désarmement sera opéré sous la direction du Mendoub de Sa Majesté chérifienne.

Art. 3. Un délai de quinze jours, à compter de la date de promulgation de la présente loi, sera accordé aux indigènes pour la remise des armes de guerre qu'ils pourraient détenir.

Art. 4. Pendant le délai ci-dessus mentionné, les armes de guerre, quel que soit leur état, devront être remises aux agents qualifiés.

Toute remise d'une arme de guerre en état d'être utilisée et qui serait la propriété particulière de son détenteur donnera lieu à indemnité.

Art. 5. Le délai de quinze jours expiré, toutes les armes de guerre seront confisquées et leurs détenteurs seront passibles des pénalités déterminées par la loi.

Art. 6. Toutes les armes provenant du désarmement seront gardées en dépôt jusqu'à ce que l'Assemblée législative ait décidé de leur emploi ultérieur.

Art. 7. La somme de 200,000 fr. sera prélevée sur le fonds de réserve en vue d'indemniser les propriétaires des fusils de guerre retirés.

[W 5643/12/28] No. 73.

Mr. Gurney to Sir Austen Chamberlain.—(Received June 13.)

(No. 93.)

Sir, *Tangier, June 8, 1928.*

WITH reference to my despatches Nos. 78 and 84 of the 11th and 14th May concerning the disarmament of the native inhabitants of the Fahs, I now have the honour to transmit a copy of a letter addressed by the instructor of Tabor No. 1 to his Excellency the Mendoub, reporting the satisfactory completion of this disarmament.

2. You will observe that the number of rifles collected amounts to 1,060, and that of the 200,000 fr. credit voted by the Legislative Assembly to indemnify the owners only 115,000 fr. have been expended.

I have, &c.
HUGH GURNEY.

Enclosure in No. 73.

Le Capitaine de Seroux, Instructeur en chef du Tabor No. 1, à son Excellence le Mendoub de Sa Majesté chérifienne à Tanger.

J'AI l'honneur de rendre compte à votre Excellence que les opérations de désarmement des indigènes de la zone internationale sont terminées.

Le chiffre des fusils retirés est de :

225 Mausers.
185 chassepots.
486 fusils de modèles divers.
14 revolvers.
13,450 cartouches.

Il y a lieu d'ajouter à ce chiffre 150 fusils retirés antérieurement et non indemnisés puisque ayant été prêtés aux indigènes du Fahs, soit par les représentants du Maghzen, soit par le Tabor No. 1.

Le chiffre total des armes retirées est donc de 1,060 fusils.

Aucun incident n'a eu lieu.

La somme qui a été nécessaire au paiement des armes se monte à 115,000 fr. environ.

Ainsi que je l'ai proposé précédemment à votre Excellence, je compte confier prochainement aux moqqademin des villages en bordure et éloignés d'un poste de surveillance du tabor, un nombre limité de fusils Mle. 1874 et des cartouches, dont ils seront personnellement responsables, afin d'éviter les incursions toujours possibles de rôdeurs de la zone voisine. J'ai, d'ailleurs, modifié l'organisation et les effectifs de certains postes du tabor, et leur ai prescrit de redoubler d'activité dans la surveillance de leurs secteurs.

SEROUX.

Tanger, le 26 mai 1928.

[W 10255/12/28] No. 74.

M. de Fleuriau to Lord Cushendun.—(Received October 26.)

LE 17 juillet dernier, est intervenu, entre le Gouvernement italien et le Gouvernement français, un échange de lettres relatif à l'application de la peine de mort dans la Zone de Tanger. Conformément aux instructions que j'ai reçues de mon Gouvernement, j'ai l'honneur de transmettre, ci-joint, à votre Excellence un exemplaire de chacune de ces lettres.

Cet échange de lettres a été décidé au cours des discussions qui ont précédé l'adhésion de l'Italie au Statut de Tanger. A la déclaration franco-italienne du 9 novembre 1916, qui enregistrait la renonciation de l'Italie aux Capitulations dans la Zone française du Maroc, était annexée une lettre du Ministre des Affaires étrangères de la République faisant connaître "que si la peine capitale était prononcée dans la Zone française de l'Empire chérifien, conformément au Code pénal en vigueur, contre un sujet italien, l'attention du Président de la République française serait appelée d'une manière toute spéciale, en vue de l'instance en grâce pour la commutation de cette peine, sur l'état actuel de la législation en Italie à l'égard de la peine de mort."

Au cours des négociations qui ont préparé l'adhésion de l'Italie au Statut de Tanger, le Gouvernement royal a manifesté son désir d'obtenir dans la Zone de Tanger, pour ses nationaux et les individus extradés par lui, des garanties analogues à celles consenties en 1916 par le Gouvernement de la République, en ce qui concerne la Zone française.

Il a été reconnu que le droit de confirmer ou de commuer les sentences capitales rendues à Tanger par la juridiction internationale appartenait au Sultan, souverain de la zone, et que, dans ces conditions, la grâce d'un Italien condamné à mort devrait être sollicitée du Sultan par l'intermédiaire du Résident général de France.

Après une discussion entre les différents délégués, il fut finalement décidé de régler la question par un accord franco-italien, auquel n'interviendraient pas les autres Puissances statutaires.

C'est cet accord dont j'ai l'honneur de faire notification à votre Excellence.

M. de Fleuriau saisit, &c.

Ambassade de France, Londres, le 23 octobre 1928.

Enclosure 1 in No. 74.

M. Briand to Count Manzoni.

M. l'Ambassadeur, *Paris, le 17 juillet 1928.*

VOTRE Excellence a bien voulu me signaler que le Gouvernement royal désirait, en ce qui concerne l'application de la peine de mort dans la Zone de Tanger, obtenir pour ses sujets et les individus extradés par lui, des garanties analogues à celles qui lui sont assurées, dans la Zone française, par l'accord franco-italien du 9 mars 1916.

J'ai l'honneur de faire connaître à votre Excellence que si la peine de mort était prononcée, dans la Zone de Tanger, conformément au Code pénal en vigueur,

contre un sujet italien ou un individu extradé par le Gouvernement italien, le Gouvernement du Protectorat appellerait d'une manière pressante l'attention de Sa Majesté le Sultan, en vue de l'instance en grâce pour la commutation de cette peine, sur l'état actuel de la législation en Italie à l'égard de la peine de mort.

Veuillez, &c.
BRIAND.

Enclosure 2 in No. 74.

Count Manzoni to M. Briand.

M. le Ministre, *Paris, le* 17 *juillet* 1928.

VOTRE Excellence a bien voulu, par sa lettre en date de ce jour, me faire connaître que si la peine de mort était prononcée, dans la Zone de Tanger, conformément au Code pénal en vigueur, contre un sujet italien ou un individu extradé par le Gouvernement italien, le Gouvernement du Protectorat appellerait d'une manière pressante l'attention de Sa Majesté le Sultan, en vue de l'instance en grâce pour la commutation de cette peine, sur l'état actuel de la législation en Italie à l'égard de la peine de mort.

Ainsi se trouveront assurées aux sujets italiens et aux individus extradés par le Gouvernement royal des garanties analogues à celles qui leur sont données dans la Zone française par l'accord franco-italien du 9 mars 1916.

J'ai l'honneur de remercier votre Excellence de cette communication, que je ne manquerai pas de transmettre à mon Gouvernement.

Veuillez, &c.
G. MANZONI.

[W 10301/8017/28] No. 75.

Mr. Gurney to Lord Cushendun.—(Received October 29.)

(No. 134.)

My Lord, *Tangier, October* 18, 1928.

IN his despatch No. 112 of the 16th August last, Mr. Bond had the honour to report the adoption by the International Legislative Assembly of a resolution in favour of the grant of a subsidy of 50,000 fr. to the Jewish schools at Tangier for the second half of the current year. He stated that when the matter came before the Committee of Control they had postponed an expression of opinion on the subject pending the receipt of certain information which the Acting Administrator had been asked to supply.

2. This information was received in due course, and I enclose herein copy of the financial statement furnished by Mr. Dicken. From this it appears that, although there has been a considerable falling off in customs receipts and some other revenues as compared with last year, he hopes to end the financial year without a deficit, and, possibly, even with a slight credit balance, owing to an increase in registration dues and economies to be effected by the non-institution of the gendarmerie, and in other ways.

3. The Acting Administrator also furnished a detailed report in regard to the various educational establishments maintained at Tangier. I enclose a table prepared on the basis of this statement, which is of interest as showing the nature of the schools maintained by the French and Spanish Governments and the number of pupils attending these schools. In forwarding this report, M. Ruiz stated that no other application for an educational subsidy had been received.

4. At its last sitting the Assembly adopted a law, drafted in proper form, providing for the payment of the subsidy in question, and when the matter came before the Committee of Control we decided that there was no reason to object to it. It will therefore be enacted in due course.

5. I feel, on the contrary, that it is distinctly desirable that the Administration should support educational establishments so far as the state of its finances permit, and I hope that before long it will be called upon to make a similar contribution to Moslem schools. Such schools do not at present exist, apart from the very primitive

schools attached to the mosques and those supported by the French and Spaniards. but they could, I think, be established without too great a drain on our resources with the aid of the funds derived from the extensive Habous properties, which will, I hope, shortly be placed on a sound footing. As the administration of native affairs was left by the statute in the hands of the Sultan acting through the Mendoub and other native officials controlled by a French adviser, and the French authorities are very jealous of any interference in such matters, it is primarily for them to take the initiative in organising such education. I shall, however, not fail to continue to urge that steps should be taken in this direction, and I trust that in due course adequate educational facilities will be provided for all sections of the population. Europeans are at present well catered for by the French and Spanish schools, as well as the recently established Italian schools, for which particulars are not for the moment available. As will be seen from the enclosed table, the two former are attended by an appreciable number of Moslems.

6. I may add that it is hoped to attract to the Italian schools students not only from the other zones of Morocco, but also from North Africa generally.

I have, &c.
HUGH GURNEY.

Enclosure 1 in No. 75.

Note sur la Situation budgétaire.

UNE étude des recettes et des dépenses de la zone à partir de janvier 1928 jusqu'à juillet dernier nous permet, sur les résultats probables de l'exercice en cours, une appréciation plus optimiste qu'au moment de la conférence de Paris, alors que nous n'avions pour base que les résultats de quatre mois.

A ce moment, il paraissait possible que les recettes douanières accuseraient un manque d'au moins 3,000,000 de francs pour l'année; les résultats actuels nous permettent de croire que le manque ne dépassera pas 2,000,000 de francs.

A part la douane, il faut envisager un manque de recettes sur d'autres postes au budget, notamment la ristourne à la Zone française pour les marchandises en cabotage, les droits de portes (non-application du nouveau règlement et réduction du tarif), notre redevance dans les concessions de madragues et la non-application des taxes sur les allumettes et les cartes à jouer.

D'un autre côté, nous aurons certainement une forte entrée pour les droits d'enregistrement et timbre et sur les droits d'immatriculation; nous aurons, peut-être, aussi de petites entrées sur d'autres articles.

Comme différence de ces manques et plus-values, on peut estimer grosso-modo un manque de 300,000 fr. environ, ce qui porte le manque de recettes générales à 2,300,000 fr. environ.

Cette différence pourra être compensée par des économies de dépenses. Les recettes de douane ayant diminué, la ristourne à la zone espagnole est diminuée également; nous avons une économie sur le crédit prévu pour le service des emprunts du port, à cause des conditions favorables de l'emprunt hollandais; il y aura une économie sur le personnel à cause de certains postes non pourvus pour une partie de l'année et (le plus important) sur celui de la nouvelle gendarmerie, pour lequel je suppose que la zone n'aura rien à supporter cette année-ci.

Si cette dernière opinion est exacte, on peut estimer que les économies balanceront le manque de recettes, et que, sauf les deux cas que je cite ci-après, il y a tout espoir que les recettes de l'exercice balanceront ses dépenses.

Ces deux cas sont les suivants :

1. La somme à verser à la Compagnie Tanger–Fez est jusqu'ici incertaine. La compagnie a présenté une demande pour 2,213,000 et notre prévision budgétaire n'est que de 2,000,000. Cette demande et la comptabilité sur laquelle elle est fondée est actuellement sous examen. Si elle est trouvée exacte, il y aura un dépassement de 213,000 fr.

2. Notre part dans les profits du Monopole des Tabacs est aussi inconnue à ce moment, mais, d'après les renseignements que j'ai pu avoir jusqu'ici, il semble certain que cette part sera en excédent sur l'estimation budgétaire pour une somme pouvant varier entre 200,000 et 300,000 fr.

Il est fort probable alors que ces deux articles se balancent aussi, ou même nous laissent un peu d'excédent. En résumé, si les conditions actuelles continuent et que nous n'ayons rien à verser pour la nouvelle gendarmerie, il paraît probable que l'exercice finira au moins en balance, sinon avec un petit excédent; tout dépendra de la douane, car un mouvement commercial relativement petit d'un côté ou l'autre serait suffisant pour changer l'aspect de la situation.

C. V. DICKEN.

Tanger, le 30 *août* 1928.

Enclosure 2 in No. 75.

SCHOOLS AT TANGIER.

1. *Primary and Secondary.*

—	Boys.			Girls.		
	Moslem.	Jews.	Christian.	Moslem.	Jews.	Christian.
JEWISH—						
Écoles de l'Alliance israélite (Primary) ..	..	501	15	..	344	10
SPANISH—						
Écoles Alphonse XIII (Primary, Secondary and Professional)	327	86	577	5	13	417
École des Filles du Quartier San-Francisco (Primary and Manual)	..	..	..	..	..	83
Collège du Sacre-Cœur (Primary) ..	..	..	..	..	..	50
Collège Espagnol-Mejias (Primary) ..	..	..	50	..	..	50
FRENCH—						
Lycée Regnault (Primary and Secondary)..	13	148	168	..	..	..
Lycée Saint-Aulaire (Primary and Secondary)	..	..	..	2	87	149
École européenne—Perrier (Primary) ..	3	17	161	..	43	117
École européenne—A. Berchet (Primary) ..	11	18	169	5	33	230
École indigène du Dradeb (Primary) ..	80	..	..	..	..	..
École indigène du Tabor No. 1 (Primary) ..	72	..	..	..	..	..
École indigène de la Fuente Nueva (Primary)	68	..	..	..	..	..
École indigène du Marshan (Primary) ..	270	..	..	..	..	..
École israélite de Filles (Primary) ..	..	..	..	4	80	33
ITALIAN—						
École de Garçons	10	19	47	..	..	..
École de Filles	..	..	..	2	25	45
	854	789	1,187	18	625	1,184

2. *Elementary.*

SPANISH—
École mixte de l'Enfant-Jésus .. .. .. 129 Spaniards of both sexes.
École hispano-arabe .. .. 64 Moslems.

NATIVE—
Écoles indigènes privés .. .. 870 Moslems.

3. *Professional.*

FRENCH—
École professionnelle de Garçons .. .. .. 75 pupils (about) (Moslems, Jews and European).
École professionnelle de Filles .. .. .. 41 pupils (Jews and Europeans).

4. *Seminary.*

JEWISH—
Seminaire rabbinique .. .. 32 Jews.

[W 10921/10921/28] No. 76.

Mr. Gurney to Lord Cushendun.—(Received November 19.)

(No. 142.)

My Lord, *Tangier, November* 9, 1928.

I HAVE the honour to report that, after lengthy negotiations, an arrangement has been come to with the Shereefian Government for the revision of the holdings by foreigners of habous properties as provided for in article 15 of the statute.

2. As you are aware, that article provided for the revision of both habous and Makhzen holdings within six months of the entry of the convention into force. An arrangement in regard to Makhzen properties was concluded, not without difficulty, at the end of last year. It was found still more difficult to conclude a similar arrangement in regard to habous properties since my colleagues and I felt it necessary not only to put the holdings themselves on a satisfactory basis, but also to make provision for the proper administration in the future of these pious foundations as a whole. They are of great potential value for educational and social services, as well as serving the religious purposes for which many of them were established, but they have been grossly mismanaged in the past, and there has been a suspicion that some of the revenues derived from them had found their way to the French Zone. It was, therefore, felt highly desirable to take advantage of the present opportunity to remedy this state of things so far as might be possible. The project which was drawn up by our experts provided accordingly not only for a temporary committee, working under specified rules, for the revision of these holdings, but also for the constitution of a permanent council charged with advisory and controlling functions, in both cases consisting f natives nominated by the consulates concerned.

3. It did not take long to come to an agreement with the Makhzen on the first point, but very strong opposition was raised to the formation of the proposed advisory council, owing ostensibly to objection on the part of the Sultan to what he was alleged to regard as an infringement of his rights as head of the Moslem community, but in reality, no doubt, mainly on account of the dislike of the French authorities for foreign interference in any section of native administration.

4. After protracted negotiations, the Shereefian Government finally agreed to the constitution of an advisory committee consisting of the local habous administrator and two natives, and presided over by the Mendoub. We endeavoured to ensure that the Committee of Control should have a voice in the selection of these natives, but we had ultimately to give way on this point and agree to their nomination by the Mendoub. Their names are, however, to be communicated annually to the Committee of Control, and it is hoped that this arrangement may ensure that the functions of the committee will not be of so illusory a nature as that of the superior council which was at one time set up in the French Zone, but which has never had any real existence. I enclose the text of the agreement concluded on the subject, together with the text of notes which I exchanged with the Mendoub at the same time in my capacity as president of the Committee of Control.

5. It is to be hoped that, as provided in the agreement, the revision of holdings will be completed by the end of this year, and that it will result in a substantial increase in the revenues derived from these foundations to the advantage of the native population.

A copy of this despatch has been sent to Rabat.

I have, &c.
HUGH GURNEY.

Enclosure 1 in No. 76.

Règlement relatif à la Revision des Détentions des Biens habous dans la Zone de Tanger. (*Article* 15 *de la Convention du* 18 *Décembre* 1923.)

LE Comité de Contrôle, comme représentant les pays signataires et adhérents à la convention du 18 décembre 1923, et son Excellence le Mendoub, comme représentant de Sa Majesté chérifienne, sont convenus de ce qui suit :

1. Le délai prévu par l'article 15 de la convention précitée pour la revision des détentions des biens habous est porté au 31 décembre 1928.

2. Il convient d'interpréter les dispositions de l'article 15 précité dans un sens libéral qui permettra de régler d'une manière équitable et permanente les habous de Tanger et de les fonder pour l'avenir sur une base solide, tant légale qu'économique.

3. En vue d'assurer une égalité parfaite dans toute transaction à intervenir, il sera institué une commission composée comme suit :

(*a.*) Le représentant du Gouvernement chérifien, président ;
(*b.*) Le Nadir des Habous de Tanger, vice-président ;
(*c.*) Un musulman désigné par chacun des consuls intéressés, choisi parmi les indigènes résidant à Tanger et n'étant pas lui-même détenteur de biens habous.

4. Chaque membre de la commission disposera d'une voix. Les décisions seront prises à la majorité. En cas de partage égale, la voix du président sera prépondérante.

5. Chaque projet de règlement préparé par la commission sera soumis à l'agrément du consul intéressé. Si celui-ci l'approuve, il sera ensuite soumis à l'approbation du Gouvernement chérifien par son représentant. Faute d'approbation ou du consul ou du Maghzen, on aura recours à la procédure d'arbitrage prévue par l'article 15 du statut. Si les parties ne s'entendent pas sur le choix du membre du tribunal appelé à faire fonction d'arbitre, celui-ci sera obligatoirement désigné par le sort.

6. Les projets de règlement approuvés par le consul intéressé et par le Gouvernement chérifien, ainsi que les décisions de l'arbitre, seront définitifs et sans appel.

7. La commission s'inspirera des principes suivants :

(*a.*) Ne pas procéder par voie d'augmentation de loyer sauf dans des cas exceptionnels ;
(*b.*) Recourir de préférence à un apurement par voie de remploi ;
(*c.*) En cas d'absence de titre et de bonne foi, contraindre le détenteur à payer un loyer réel ou à quitter les lieux ;
(*d.*) En cas d'absence de titres, mais dans le cas où le détenteur peut prouver sa bonne foi, déterminer les quotes-parts respectives des habous et du détenteur en tenant compte, non seulement du manque des titres, mais aussi de l'origine de la détention, du capital engagé, de la durée de l'occupation, des améliorations effectuées, &c. ;
(*e.*) En cas de détention légitime, déterminer les quotes-parts en tenant compte de cette considération ainsi que de celles susmentionnées ;
(*f.*) Les quotes-parts étant fixées, laisser à l'Administration des Habous ou au détenteur la faculté d'évaluer la propriété, en laissant à l'autre partie le choix entre la vente ou l'achat sur la base des quotes-parts et évaluations établies. A défaut d'entente entre les parties, il incombera à l'Administration des Habous de procéder à cette évaluation ;
(*g.*) Par dérogation au principe précédent, réserver à l'Administration des Habous le droit formel de racheter certains immeubles pouvant présenter un intérêt cultuel ;
(*h.*) Laisser à tout détenteur actuel d'un bien habous le droit préférentiel d'en devenir le locataire dans les conditions normales ;
(*i.*) N'admettre aucune location pour une durée supérieure à deux années sans une autorisation expresse de l'Administration des Habous.

8. Toutefois, la commission sera libre d'examiner tous les éléments constitutifs de chaque détention et pour les cas exceptionnels de décider s'il y a des raisons sérieuses et suffisantes d'agir contrairement aux principes susindiqués.

HUGH GURNEY,
Président du Comité de Contrôle.

Tanger, le 29 octobre 1928.

Enclosure 2 in No. 76.

(i.)—*Mr. Gurney to the Mendoub.*

Excellence, *Tanger, le 7 novembre* 1928.

VOUS avez bien voulu, par votre lettre du 8 octobre 1928, me faire part de la décision de Sa Majesté chérifienne touchant la composition et les attributions du futur Comité consultatif local des Biens habous.

J'ai l'honneur de vous faire savoir que le Comité de Contrôle prend acte de ce que le Comité consultatif sera composé de la façon suivante :

(*a.*) Le Mendoub, président, avec voix prépondérante ;
(*b.*) Le Cadi ;
(*c.*) Deux notables de la ville de Tanger, désignés par le Mendoub.

Le Comité de Contrôle attacherait du prix à ce que les noms de ces notables, une fois désignés, lui fussent communiqués par vos soins au commencement de chaque année ou à chaque changement.

Il est entendu que le Comité consultatif entrera en fonctions dès la clôture des travaux de revision des détentions des biens habous.

Le Comité de Contrôle est heureux de prendre également acte de ce que le Comité consultatif aura toute latitude d'examiner le budget en recettes et en dépenses, ainsi que les comptes annuels du nadir. Il pourra, en outre, donner son avis sur l'emploi des fonds, sur la constitution d'un fonds de réserve et, en général, suggérer toute mesure qui lui paraîtra de nature à accroître les revenus des habous de Tanger.

Enfin, le Comité de Contrôle prend note de l'assurance du Gouvernement chérifien que les revenus des habous de Tanger continueront à être entièrement affectés à des œuvres intéressant exclusivement la Zone de Tanger.

Veuillez agréer, &c.
HUGH GURNEY,
Président du Comité de Contrôle.

(ii.)—*The Mendoub to Mr. Gurney.*

(Traduction.)
(Compliments d'usage.) *Tanger, le 22 djoumada I,* 1347 (7 *novembre* 1928).

J'AI l'honneur de vous faire connaître que j'adhère aux termes de votre lettre en date du 7 novembre courant relative à la composition et aux attributions du futur Comité consultatif local des Biens habous, définies conformément aux instructions que j'ai reçues de Sa Majesté chérifienne.

(Salutations.)

MOHAMMED TAZI.

[**W 12034/12/28**] No. 77.

Aide-mémoire communicated by the Italian Embassy, December 20, 1928.

(Translation.)

AT the recent conference in Paris for the revision of the Statute of Tangier, it was agreed (with the view especially to satisfy the British delegation, who had insisted on the necessity of a revision) to convene, six months after the signature of the convention modified on the 25th July, 1928, a Committee of Jurists to review the working of the international judiciary in that zone, taking as basis the draft submitted for the purpose in the course of the conference by M. Dumas, counsellor of the Court of Cassation in Paris, which draft, being drawn up with skill and competence, had already received in principle the concurrence of the delegations of the four Powers interested.

Having in consequence of the ratification of the said convention become a participant in the administration of the zone, with the intention of loyally collaborating in ensuring that it functions in the best manner possible, the Italian Government are disposed, at the coming meeting, to give careful consideration to the possibility of conferring on the inhabitants of Tangier a judicial code more in accordance with the requirements of the administration of the zone and with the desires of the population.

Actuated by this intention, the Italian Government would have no difficulty in accepting the Dumas draft, subject to some slight modification necessary to rectify minor defects which it presents. It ought, however, to be amended in two essential points :—

1. The period of office of the president of the Mixed Tribunal should be not *three* years (article 3 of the Dumas draft), but *one* year, in order thus to provide a rapid rotation of the office among all the judges of the tribunal who are of equal rank. The judge resident at Tangier should not be appointed to this office; he would be destined to form part of the Court of Appeal.

2. The Court of Appeal provided for in the above-mentioned draft (article 13) should be constituted in the following manner: the Belgian judge resident at Tangier, and two other members, who would be invited to proceed from time to time from their own countries to Tangier, chosen from among four Counsellors of Appeal nominated by the four Powers signatories of the convention, instead of their being only French and Spanish, as proposed by M. Dumas.

These modifications would not prejudice the interests of Spain and France, who have stated their wish to be represented by judges of their nationality in every grade of the judiciary; it would not occasion any financial charge on the budget of the zone; it would place the four interested Powers on a footing of equality as regards the solution of the question of the jurisdiction of appeal; finally, it would make possible the revision of the judgments rendered by the Court of Cassation, which would otherwise have to be reviewed and modified by the same judges whose decisions are under reconsideration.

These two proposals, which, moreover, it should not be difficult for the other interested Powers to accept, appear to the Italian Government to be capable of acceptance on the part of the British Government.

Italian Embassy, London, December 14, 1928.

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